

favoring the appropriation asked for by the Secretary of Agriculture to enable him to cooperate with the various States in examining into the best modes of securing permanent road building—to the Committee on Agriculture.

By Mr. BOWERSOCK: Resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, resolution of Jewel Post, No. 3, Grand Army of the Republic, of Pleasanton, Kans., indorsing House bill No. 5779, relating to appointments in the Government service—to the Committee on Reform in the Civil Service.

By Mr. BULL: Protest of W. E. Barrett Company, of Providence, R. I., against an appropriation for the distribution of seeds—to the Committee on Agriculture.

By Mr. BURKETT: Resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

By Mr. COCHRANE of New York: Papers to accompany House bill granting an increase of pension to John W. Thompson—to the Committee on Invalid Pensions.

By Mr. CORLISS: Petition of the National Association of Master Plumbers, urging a change in the method of making contracts in the erection of public buildings—to the Committee on Public Buildings and Grounds.

By Mr. COWHERD: Papers to accompany House bill to remove the charge of desertion from the military record of Thomas Dignan—to the Committee on Military Affairs.

By Mr. CROWLEY: Papers to accompany House bill No. 1575, granting a pension to Nancy Hawkins—to the Committee on Invalid Pensions.

By Mr. DAVIS: Petition of trustees of Florida Agricultural College, certified by Hon. J. D. Callaway, secretary, favoring Senate bill No. 3982, establishing mining schools in connection with agricultural colleges—to the Committee on Mines and Mining.

By Mr. GRAHAM: Resolutions of the Thirty-fourth National Encampment, Grand Army of the Republic, commending the work already accomplished on the National Military Park at Gettysburg, and asking that continued aid be given thereto—to the Committee on Appropriations.

Also, petition adopted at a meeting in Allegheny, Pa., A. R. Van Fossen, chairman, to ratify treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Engineers' Society of Western Pennsylvania, remonstrating against any change in existing laws relating to the spans and bridges across the Ohio, Allegheny, and Monongahela rivers—to the Committee on Interstate and Foreign Commerce.

Also, letter of F. B. Thurber, of the United States Export Association, relating to certain features in Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Thirty-fourth National Encampment, Grand Army of the Republic, commending the work accomplished by the Gettysburg National Park Commission, and asking for further appropriation to complete the work—to the Committee on Appropriations.

By Mr. HALL: Resolutions of the First Presbyterian Church of Clarion, Pa., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. HEDGE: Petition of officers of the various national and savings banks of Mount Pleasant, Iowa, for the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

By Mr. HOWELL: Petitions of citizens of Freehold and Plainfield, N. J., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. MAHON: Petition of P. W. Shearer and other citizens of Livonia, Pa., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. MORRELL: Three petitions of citizens of Germantown, Philadelphia, Pa., favoring the exclusion of the liquor traffic in our new possessions—to the Committee on Insular Affairs.

By Mr. NAPHEN: Resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

By Mr. NORTON of Ohio: Papers to accompany House bill granting an increase of pension to Charles E. Chapman—to the Committee on Invalid pensions.

By Mr. OTEY: Petition of J. T. Cowan and other citizens of Radford, Va., for the improvement of the channel of New River, Virginia—to the Committee on Rivers and Harbors.

By Mr. OTJEN: Petition of employees of Bureau of Animal Industry at Milwaukee, Wis., for the restoration of certain salary conditions—to the Committee on Agriculture.

Also, petition of keeper and surfmen of Milwaukee station, Wisconsin, favoring bill to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. RAY of New York: Petition of members of the Grand Army of the Republic of Cooperstown, N. Y., to accompany House bill granting a pension to Anna M. Lasher—to the Committee on Invalid Pensions.

Also, petition of 300 citizens of Waverly, N. Y., favoring the exclusion of the liquor traffic in Africa, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. RIXEY (by request): Paper to accompany House bill for the relief of David McGee—to the Committee on Invalid Pensions.

Also, petition of the heirs of Alfred Rector, deceased, late of Fauquier County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Jenneatt D. Jeter, for the heirs of Mrs. Agnes B. Jeter, of King George County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of the internal-revenue gaugers, storekeepers, etc., of the sixth collection district of Indiana, for sufficient appropriation to provide for their vacation without loss of pay—to the Committee on Appropriations.

By Mr. SCUDDER: Petitions of Home Temperance Mission and Independent Order of Good Templars, No. 366, of Islip, Suffolk County, N. Y., in favor of an amendment to the Constitution against polygamy and various other reform measures—to the Committee on the Judiciary.

By Mr. SHERMAN: Petition of S. E. Barton and other citizens of Holland Patent, N. Y., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky: Paper to accompany House bill to place the name of William D. Rabern on the pension roll—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: Papers to accompany House bill for the relief of H. P. Macloon—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill granting an increase of pension to John B. Tucker—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Milla Williams—to the Committee on Pensions.

SENATE.

THURSDAY, January 10, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

AGRICULTURAL AND MECHANICAL COLLEGES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the disbursements for the fiscal year ending June 30, 1901, made in the States and Territories of the appropriation in aid of colleges of agriculture and the mechanic arts; which, with the accompanying paper, was ordered to lie on the table and be printed.

FRENCH SPOILIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and of law filed under the act of January 20, 1885, in the French spoliation claims relating to the vessel snow *Jenny*, Hugh Lyle, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PERSONAL EXPLANATION—VOTE TO TABLE AMENDMENT.

Mr. VEST. Mr. President, I wish to make a personal statement, with the consent of the Senate. I was called out of the Chamber yesterday and was unavoidably detained when the vote was taken upon the amendment of the committee to the Army bill called the canteen amendment. If I had been present, I should have voted in the negative and to sustain the action of the committee. That is all I desire to say.

Mr. RAWLINS. Mr. President, I desire also to state that I was absent yesterday when the vote in question was taken upon the canteen amendment. Had I been present, I should have voted to sustain the action of the committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the resolution of the Senate requesting the President to return to the Senate the bill of the Senate (S. 1296) granting an increase of pension to George G. Kemp.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented the petition of John T. Faulds and 72 other citizens of Ottumwa, Iowa, praying for the enactment of legislation to regulate the hours of daily labor of workmen and

mechanics, and also to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

He also presented a petition of the Retail Grocers' Association of Marshalltown, Iowa, remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Iowa Academy of Sciences, of Des Moines, Iowa, praying for the establishment of a national standardizing bureau; which was referred to the Committee on Commerce.

He also presented petitions of the Farmers' Institute of Muscatine County, of Ray A. Clark and 23 other citizens of Poweshiek County, and of Jones Mill Grange, No. 917, Patrons of Husbandry, of Delaware County, all in the State of Iowa, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of S. Choat and 11 other citizens of Bassett, of James C. Mills and 8 other citizens of Dickens, of D. Ross and 5 other citizens of Akron, of J. M. Roe and 15 other citizens of Carpenter, of D. H. Thurston and 54 other citizens of Plymouth, of W. B. Dawes and 10 other citizens of Lime Springs, of S. J. Clausen and 16 other citizens of Clear Lake, of W. H. Johnson and 13 other citizens of Hartley, of C. A. Hoppock and 5 other citizens of Boyden, of W. F. Lehman and 18 other citizens of Sexton, of J. H. McCarthy and 33 other citizens of Elma, of F. R. Wilder and 2 other citizens of Otranto, of I. C. Scofield and 16 other citizens of Charles City, of A. T. Mackie and 10 other citizens of Hull, of A. Ellsworth and 10 other citizens of Emmetsburg, of Fred Reeck and 49 other citizens of Grafton, of George H. Ray and 28 other citizens of La Crosse, of A. Johnson and 8 other citizens of Everly, and of John B. Hemphill and 20 other citizens of Rudd, all in the State of Iowa, praying for the repeal of the stamp tax on wheat, oats, corn, rye, and farm produce; which were referred to the Committee on Finance.

He also presented a petition of the National Association of Agricultural Implement and Vehicle Manufacturers, of Chicago, Ill., praying that an appropriation of \$100,000 be made for an irrigation investigation by the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Good Roads Association of Chicago, Ill., praying that an appropriation of \$150,000 be made to be applied to the uses of the Office of Public Road Inquiry; which was referred to the Committee on Agriculture and Forestry.

Mr. PROCTOR presented a petition of John A. Logan Post, No. 88, Grand Army of the Republic, Department of Vermont, and a petition of W. J. Fulton Post, No. 52, Grand Army of the Republic, Department of Vermont, Dorset, Vt., praying for the enactment of legislation giving preference to veterans in the public service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. SPOONER presented a petition of the Milwaukee Clearing House Association, of Milwaukee, Wis., praying for the repeal of the revenue tax on certificates of deposit, notes, drafts, telegrams, express receipts, etc.; which was referred to the Committee on Finance.

Mr. KEAN presented a petition of sundry citizens of Newton, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented a petition of the keeper and crew of the life-saving station at Bayhead, N. J., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens of Plainfield, Jacobstown, Summit, and Orange, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a memorial of the board of street and water commissioners of Newark, N. J., remonstrating against the enactment of legislation granting relief to the widow of Isaiah Smith Hyatt; which was referred to the Committee on Patents.

Mr. COCKRELL presented a petition of the Kansas City Life Underwriters' Association, of Kansas City, Mo., praying for the repeal of the revenue tax on life-insurance policies; which was referred to the Committee on Finance.

He also presented a petition of Local Council No. 3, Liquor Dealers' Benevolent Association of Missouri, of Kansas City, Mo., praying for the repeal of the revenue tax on beer; which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Diego, Cal., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. CLAY. I present a joint resolution of the legislature of Georgia in favor of an appropriation for deepening the river and for the improvement of the harbor at Savannah. I ask that it be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the joint resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution by Mr. Hitch, of Chatham County.

Whereas the city of Savannah, an important seaport of this State, through its city council, its various commercial and trade organizations, and its citizens generally, is making a strong and earnest effort to secure an appropriation from the Congress of the United States for the deepening of the river and harbor at that place from 26 to 28 feet at mean high tide; and

Whereas the success of such a movement and the deepening of the river and harbor at Savannah in the manner contemplated would naturally result in greatly increasing the commerce of that port and in benefiting largely, not only the people of Savannah, but also the people generally of the entire southeastern section of our country: Therefore, be it

Resolved by the house of representatives of the State of Georgia (the senate concurring), That the movement to secure said appropriation for the purpose of deepening the river and harbor at Savannah, Ga., from 26 to 28 feet at mean high tide, be, and the same is hereby, most earnestly indorsed and approved, and the Senators and Congressmen from this State are respectfully requested to lend their active assistance to this worthy undertaking.

Passed house December 8, 1900.

JNO. T. BOIFEUILLET,
Clerk of House of Representatives.

Passed senate December 12, 1900.

CHAS. S. NORTEN,
Secretary of Senate.

Approved, December 15, 1900.

Mr. CLAY presented a petition of sundry citizens of Bibb County, Ga., praying for the enactment of legislation providing for an increase in the salaries of the Federal judges; which was referred to the Committee on the Judiciary.

He also presented a petition of the mayor and aldermen of Savannah, Ga., praying that an appropriation be made providing for the South Carolina and West Indian Exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the mayor and aldermen of Savannah, Ga., praying that an appropriation be made to continue the improvement of the harbor at that city; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Atlanta, Ga., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. HALE presented sundry petitions of citizens of Maine, praying for the enactment of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of H. Boynton and sundry other citizens of Biddeford, of Henry Farrington and sundry other citizens of Gardiner, and of N. T. Palmer and sundry other citizens of Brunswick, all in the State of Maine, praying for the repeal of the revenue tax on bank checks; which were referred to the Committee on Finance.

Mr. FRYE presented the petition of J. W. Doughty and 10 other citizens of Windhaven, Me., and the petition of H. F. Wood and 25 other citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented the petitions of C. S. Cotton and 32 other citizens of Richmond, of George S. Wilson and 8 other citizens of Fairfield, of George E. Webber and 34 other citizens of Auburn, of A. E. Burleigh and 40 other citizens of Houlton, of C. M. Sawyer and 23 other citizens of Dexter, of William S. Shorey and 55 other citizens of Bath, and of H. Fairfield and 45 other citizens of Saco, all in the State of Maine, praying for the repeal of the stamp tax on bank checks; which were referred to the Committee on Finance.

He also presented the petition of George W. North and sundry other citizens of Darby, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

MINTS OF THE UNITED STATES.

Mr. ALLISON. I present sundry letters from the Secretary of the Treasury, relative to the deficiencies in the appropriations for the mints at San Francisco, Philadelphia, New Orleans, and Carson City, and also in the accounts of the branch mints operated prior to April 1, 1861, at Charlotte, N. C., and Dahlonega, Ga. I move that the letters be printed as a document and referred to the Committee on Appropriations.

The motion was agreed to.

PETITION OF FILIPINOS.

Mr. TELLER. Mr. President, there has been handed to me a petition signed by 2,000 inhabitants of the Philippine Islands. I have examined the petition, and I think I can say it bears the evidence of being a bona fide, properly signed petition. It is couched in respectful language to the Congress of the United

States. It involves a question of immense interest not only to the people who signed it, but to the people of the United States. It is a representative document, I think, of the people of Manila and that immediate region.

These people are not in hostility to the United States. They can not be called insurgents or bandits or rebels. They have submitted to the jurisdiction of the Government of the United States. They enter their dissent from the condition existing in those islands, and, as I said, in a respectful way and in a way that I believe will give the people of the United States a better opinion of the character of the people of those islands than they have hitherto had.

It is not a very long document. I know what I am going to ask is an unusual request, and yet, Mr. President, I think it is one that we may properly grant, and that is the privilege of having the whole petition read to the Senate. I have heard it carefully read, as have two or three other Senators, and I think they will all agree with me that there is nothing offensive in it, and I believe it would be a wise thing to read it.

Therefore I ask the unanimous consent of the Senate that the body of the petition may be read. Of course I do not expect that the names will be read, although I have had them copied, and I have them here so that anyone can see the names not in script.

Mr. SPOONER. Why do you have to ask unanimous consent?

Mr. TELLER. The Senator asks me why I have to ask unanimous consent. Under the rule I do not understand that we have a right to have a petition read.

Mr. ALLISON. The substance is to be stated.

Mr. TELLER. The substance is to be stated. But, Mr. President, I am not capable, nor is any other man, of making a synopsis of the petition that will do justice to those people.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that the petition presented to the Senate by him may be read. Is there objection? The Chair hears none, and it is so ordered. The Secretary will read the petition.

Mr. TELLER. I ask that the Clerk will read the petition with some care, and I ask the careful attention of the Senate to the reading.

Mr. HAWLEY. I ask, for information, is debate on this matter allowable?

The PRESIDENT pro tempore. Debate is not in order.

Mr. HAWLEY. I am glad to hear it.

Mr. TELLER. Before the Clerk commences, I wish to state, as is suggested to me by the Senator from Massachusetts [Mr. HOAR], that the petition is signed by the leading people of that section of the country—lawyers and bankers and professional men generally—and it is not a picked-up thing where somebody has secured a lot of uninterested signers. It, I believe, represents the sentiment of the best element of that community. Now let the Clerk read it.

Mr. BURROWS. May I ask the Senator how many signatures are attached to it?

Mr. TELLER. There are 2,006 signatures by actual count. As I said before, I believe they are true signatures, each man signing for himself.

Mr. HALE. This is the original petition?

Mr. TELLER. It is the original petition which I have sent to the desk. I have a copy of the names here in order that they might be a little more legible.

Mr. HALE. But the original signatures are attached?

Mr. TELLER. They are attached to the petition.

Mr. HALE. They are a part of the petition?

Mr. TELLER. They are a part of the petition.

The PRESIDENT pro tempore. The Secretary will read the petition.

The Secretary proceeded to read the petition, and read as follows:

To the Congress of the United States:

The undersigned, Filipinos and peaceful inhabitants of this city, in their own name and in the name of the misnamed "irreconcilables," respectfully present themselves and submit to the worthy consideration of the Congress of the United States of America the following

APPEAL.

The people of the Philippine Islands, in view of their calamitous condition, demand in the name of her sons, in the name of all races, in the name of humanity, that an end be put to the misfortunes which afflict them which, while they distress and agonize her, compel her to struggle for the rights that are hers, and for the maintenance whereof she must, if necessary, continue to pour out her blood as she has so constantly and generously done on battlefields, in the woods, on the mountains in the city, everywhere! The blood which has been shed and that is still being shed, and which will continue to be shed until she has secured her rights, is not shed because of the intrigues of a few who, according to misinformed persons, desire to exploit the people and enrich themselves at the cost of their brother's blood. It has, gentlemen, sprung from the hearts of the people, who alone are the real strength of nations, the sovereign king of races, the producers of the arts, of science, of commerce, of wealth, of agriculture, of civilization, of progress, and of all the productions of human labor and intelligence, in all of which the people of the Philippine Islands had made great progress.

The Filipinos were not sunk in lethargy, as some untruthfully assert. They suffered, but the hour to break their chains came to them in August, 1896, and they proclaimed to the world their emancipation.

The revolution which broke out in August, 1896, was the work of the whole

people, prepared with solemn oaths signed in the blood of the conjurers, drawn from each man's left arm, to be free or die. And amid cries of "Fatherland!" they hailed the "Supreme and Sacred Association of the Sons of the Country" (Kataastaasang t' Kagalangalang na Katipunan ng mga Anak ng Bayan). That work was eminently great; it was a present example for all time, and a fitting apotheosis for poet and historian, though it has as yet failed to achieve the result due to it; its grandeur and abnegation, though insulated from the rest of the civilized world, have instilled an unconquerable will into the once despondent people and an energetic life to sustain the rights of the new nation. The sons of the Philippines, some of the people barefooted, almost naked, without money, without a morsel of rice to appease their hunger, without other arms than their fists or at most a rusty knife, resolute as martyrs, launched themselves on the batteries of their enemies and, with banners flying, rushed literally into the mouth of cannon vomiting red destruction upon their ranks. They cried: "Assassinate us, drink our blood and eat our flesh, but we will be free!"

Hunger, cold, the sun's heat, mud, rain, and all the privations and sufferings of a merciless war, an almost certain death in campaigns undertaken without weapons, served but to stimulate their heroic hearts. The tears of mothers, wives, and children served only to spread throughout the people of the archipelago the unanimous cry, "Independence or death!"

It has been untruly said, but perhaps only ignorantly on the part of some, that when the revolution of 1896 broke out the country was not asking for independence. Those who say this, if they are honest in so saying, are simply without knowledge of the great association of the Katipunan and are ignorant of its noble principles and high aims.

The Katipunan is the worthy and legitimate creation of the unfortunate Andres Bonifacio. It was founded in his house, Sagunto street, Tondo, between 6 and 7 o'clock in the evening of the 7th day of July, 1892. Andres Bonifacio assembled his best friends, Teodoro Plata, Valentin Diaz, Ladislao Diwa, Deodato Arellano, and Ildefonso Laurel, and proposed to them the creation of a supreme association of the sons of the country, whose only object was to be the independence of the country under the protectorate of Spain, or of Japan in the event of the failure of the former. The idea met with approval and enthusiasm, and immediately the propaganda thereof was commenced.

The people who felt their hearts throb with the resolve to be free joyfully allied themselves to the Katipunan, and thus in all the suburbs of the capital, in all the provinces, in all the towns and villages of the archipelago, hundreds were initiated daily, so that in four years it had 40,000 members, all of whom, absolutely all, belonged to the genuine Philippine populace, from its founders to the last member who joined before the insurrection. Bonifacio was a warehouse clerk in a firm; Plata, Diwa, and Diaz were humble officials in the law offices; Arellano was a clerk in one of the offices of the State, and Laurel was a retail merchant.

Toward the middle of 1894 they went on an exploring expedition in the mountains of San Mateo and Montalban. The party was composed of Andres Bonifacio, Aurelio Tolentino, Emilio Jacinto, Francisco del Castillo, Faustino Manalak, Valeriano Dalida, Pedro Zabala, Restituto Javier, and Nicomedes Carrein. They visited the caves of Makarok and Pamintan. In the latter they initiated the leader of all the "remontadoes" in San Mateo Mountains and in the province of Morong. They advanced to the inner part of the cave, and there inside, where the air is rare, where the flames of their bamboo torches gave no more light than a live coal in the darkness, where the smoke was suffocating, there was frantically given the first cry for the Philippine emancipation. Had the moisture and time respected the hardships of those explorers, the words "Viva la independencia Filipina," with the date, written with charcoal in the handwriting of Señor Tolentino, would to this time exist on the dark walls of the cave. Ah, it seems as if it were only yesterday!

Who now will dare to affirm that independence was not contemplated when the revolution broke out?

Aguinaldo, the most prominent figure in the revolution, is the idol of the people, the constant object of their blessings and affectionate regards, because he understands the aspirations of the country; he strives unceasingly for her independence, he represents her highest ideals. Nevertheless, if this great man were to go out of the path the people have traced for him, if he should ever show weakness in the arduous labors he has undertaken, if his energies should ever fail him in the present difficulties, he would undoubtedly lose the nation's love, and the blessings now showered upon him would be transferred to whomsoever would realize better the nation's aspirations and further the work which Rizal and his worthy companions have begun.

In mentioning all these facts we want it to be understood that nothing but the noble desire of bringing the truth to the illustrious Congress has moved us. We want to lay before her these antecedents that she may bear them in mind and consider whether they deserve to be placed among the many data which she is collecting. It is not merely for the sake of the alleged facts published in annexation papers, but to tell the truth about the principles, means, and ends of the revolution: we want, as parties directly interested in the question, to contribute to the work of solving the serious difficulty which weighs upon the country; we want not only a greater moral and material guarantee for America, but a stable, permanent, worthy, and honorable peace for the Philippines, our beloved country. We want, finally, to strengthen the bonds of friendship with those with whom we have shed our blood during the Spanish-American war, and who helped us to throw off the sovereignty of a mother, affectionate indeed, but weak and ruled by mercenary hands which oppressed us in a scandalous manner.

Well, since facts are required for the solution of the present problem, we will give some of those which are in our possession.

1. On the night of February 4, 1899, hostilities began between the Filipinos and Americans. Those who knew nothing of our people thought that with the capture of the general headquarters at Polo the Filipinos would lay down their arms. The place was taken, but no arms were surrendered.

Then it was said, if Malolos, the birthplace of the newly born Philippine Republic, was captured the Filipinos would realize the weakness of their army and would soon surrender. Malolos was captured, but there was no thought of surrender.

Then it was affirmed that the Filipinos did not surrender because they thought that the Americans would perish in the Rio Grande of Pampanga Province. The river was crossed, but they waited in vain for the surrender.

It was believed that if San Isidro should happen to fall into the hands of the Americans the Filipinos would see that the revolution was being pursued, not only on the railway line but also on other sides, and that this would compel them to surrender. San Isidro was taken, and what happened? Nothing!

It was contended that the capture of the northern provinces of Luzon would cause the revolutionists to despair. The said provinces were captured and the revolutionists, instead of surrendering, prepared themselves for an indefinite war. The Republic was suspended; the army was divided into guerrilla bands; Aguinaldo, whose whereabouts nobody knows, seems to command and direct everybody on the mountains and towns of all the Philippine regions.

2. In May, 1899, Señor Tolentino, who was commissioned by the junta of prominent Filipinos of this city and by the American Civil Commission, under the presidency of Mr. Schurman, to establish a means for a mutual understanding between the American Government and the Filipino government, went to San Isidro, Nueva Ecija, with the consent of General Otis and th

verbal instruction of the latter and of the said commission. He obtained several formal interviews with Señor Aguinaldo, Señor Mabini, and other prominent men of the revolution, and spoke to them according to the instructions he had received. He stated that the Americans did not come to the Philippines to wage war on us, but to protect us, further our welfare, and defend our interests against unexpected and serious things which might befall the country; but in order to accomplish this, the surrender of the arms of the Philippine army was first necessary, without which the American arms would be compelled to annihilate everything relating to the Philippine republic. To this everyone, without exception, replied that they preferred death to surrendering their arms, because, they said, they were striving for the independence of the country. Señor Aguinaldo, on his part, replied that he did not want to have war with anybody, and still less with the Americans, but that he did want and would always want the Philippine nation to be recognized as such, even at the cost of drenching the land with its people's blood. He further said that in view of the inferiority of his weapons, as compared with those of the Americans, it might happen that some day he would lose the hope of victory, but he would never lose the hope of dying for the independence of his country.

3. Since the revolution began until now the peaceful people who are engaged in their ordinary vocations have liberally supported in private the national soldiers, and they seem to be disposed to support them all the time so long as the war lasts.

4. It has been said that the continuous vicissitudes of a poor and toilsome campaign as that of the Philippine nationalists would in itself kill the revolution, compelling the former to find the living of their family in the labors which peaceful people always offer to those who desire them. Without considering that the revolutionists are inured to these vicissitudes, we would say that perhaps they are right; but if 2 get tired there would be 4 who would take their places in the battlefield; and if 100 retire, 1,000 would take their places, as it happened during the insurrection against the Spaniards and still happens now all over the archipelago. On the other side, it is evident that misery, death, desolation in the towns, and all the horrors with which every war is attended only dissuade the self-sufficient and the rich, whilst we notice a contrary effect on the people, arousing in them spite, revenge, in some perhaps despair, which darkens the future toward which they look with eagerness and hope.

5. It has also been said that there would be a day when the revolution would not have even a grain of powder, and this would be a sufficient cause for it to die by itself. We dispute this, not for the reason that it would be possible to smuggle arms in a place which might not be watched, but because the facts show that with "bolos" the nationalist soldiers have provided, and still provide themselves not only with ammunition, but also with arms, from the enemy itself. That it is also necessary to destroy the bolos. Yes; it is necessary, but it seems, nevertheless, to be an impossible necessity, because if with 10 bolos they can get 1 rifle, with 10 bolos and 1 rifle they could get 3 rifles; that makes already 10 bolos and 4 rifles, with which they could lay an ambush, and thus, alas, peace would only be an illusion.

6. It has been said that no political aspiration is at the bottom of the revolution, but that it is only a pretext employed by the generals, leaders, and officers in order to enrich themselves by means of theft. This is disproved by the fact that, though violations and robberies are common in all the revolutions of the world, in the Philippine revolution the very few Filipinos who committed deeds of this kind have all been summarily dealt with and given exemplary punishment as a warning to the rest. Moreover, in order to belie calumnies so unjust, it must be borne in mind that there are many, a great many, people who before taking to the battlefield had very large fortunes, but who afterwards came back without home, without clothing, and without a penny with which to feed their children. It is consequently unquestionable that the revolution is pursuing a highly political ideal. Let its aspirations be satisfied, and we shall see if there will be a single insurgent in those forests which recall such sad recollections to our afflicted minds.

7. The hostile attitude of the nationalist soldiers reveals itself in a conclusive way, in that they are ready to support the arms of the revolution, even at the cost of long and mortal sacrifice to be offered at the altar of the Philippine independence. The people, on their part, share this attitude morally and materially by lamenting their defeats, by celebrating their victories, and by giving their support in every possible way, in attending the wounded, when the least possible military advantage has been gained, and in defending the new positions occupied.

8. All the islands of the archipelago are supporting the arms of the revolution while they are waiting for the attitude which Luzon shall take, as they consider that on the decision of the latter hangs the ultimate destiny of the Filipino people.

9. The Filipino government and congress, provisionally suspended, are the synthesis of all that the country thinks. Even the Moros of Mindanao, Sulu, and other islands desire and demand the independence of the country, convinced that this alone could satisfy the necessities and aspirations of the people they represent. This is unquestionable, inasmuch as the constitution of the Philippine republic has been celebrated with the greatest enthusiasm in all the forests, mountains, barrios, towns, and cities of the archipelago.

For these reasons and for thousands of others, which would be too long to relate, we think it to be urgent to seek the remedies which our beloved country demands in the name of humanity, and so relieve her from the terrible situation into which she has been led by long and bloody misfortunes. We have not hesitated, therefore, to present this appeal to the United States Congress, trusting that the latter may better understand the real aims and aspirations of our people. Therefore the Philippine Nation, bearing in mind not only the heroic history of America, but also her sacred traditions, her humanitarian doctrines, and her democratic institutions, asks of America to cease her persecution of men struggling to be free against greater odds and greater wrongs than those which inspired the fathers of the American Republic. We ask this of Americans in the name of Washington, in the name of Jefferson, in the name of Lincoln, in the name of justice, and in the name of God Eternal, Judge of the world.

We have said that the Filipinos desire a solution that would satisfy their aspirations, but which would at the same time guarantee, morally and materially, the sacrifices which have been made by America. Let us see what this solution is.

The annexation of the Philippines to America as one of her States can in no way be admissible in the present difficulties. First, because the Filipinos see in the difference of races great impediments to political unity. Secondly, because we are 7,000 miles away from her shores. Thirdly, because the people think that they should live by themselves.

The difference of race brings with it the difference of its traditions, language, manners, policy, necessities, aspirations, and ways of thinking. This difference is causing and will cause disagreement in everything that concerns the life of both races. It will cause deceit in their relations, since between the two there is no real sincerity possible. It will cause a constant difference, if not direct opposition, in their opinions regarding the past, the present, and the future. It will cause continuous and permanent discord in Filipino-American societies. And, worst of all, it will cause a tenacious and unavoidable distrust of the people in the administration of a mother who imposes herself by means of force.

The great distance which separates the Philippines from America will

render direct communication between the two difficult and the burden of the political and military expenditure of the Philippine State heavier, to the disadvantage of the country and the indefinite condemnation of the people who do not make the laws which they are called on to obey. All these things together are causing and will always cause the perversion of the truth regarding public matters in order to favor private conveniences. Man is weak. It will mean ruin to all the productions of the country, for the exports must cease when the price of our products is raised beyond their real value, which will necessarily be the case, because the pay of workmen and officials will have to be raised and the commercial and industrial taxes increased to meet the Filipino political and military expenditures, occasioned by the expense of paying soldiers from across the ocean. What is more lamentable still, is that only those who have money would be able to go to America to learn the American laws and language, and thus the people would remain deaf and mute, and "between the sword and the wall," ready to step forward when they are told to step back and to step back when they are told to step forward.

The ideal which the country has conceived to lead an independent life will compel her, even at the cost of cruel sacrifices, to threaten, to provoke, and attack in all occasions any hindrance to her aspirations. She sees in these aspirations a sacred purpose, and this makes her constant in what she pursues, because she shall never forget the generous blood which has been shed by her illustrious sons, from Burgos, Zamora, and Gomez, to those who are still struggling on the battlefields. There have been occasions when seeing so much bloodshed, so many corpses, so much horror, and unable to refrain herself, she has given utterance to the desperate cry: "Let us all die there where our brothers died."

We have seen, therefore, in an unquestionable way that the annexation of the Philippines to America as a state would not be acceptable to the Philippine people.

An ample autonomy similar to that of Canada or Australia would not be acceptable either, since it is not in accordance with the aspirations of the people as it has already been proven.

The people established the "katipunan" in order to proclaim their independence. They were prodigal in all kinds of sacrifices, they knew that their undertaking would cost them dear, but they persevered and are persevering in their ideal, and, what is more striking, the long train of bitter misfortunes neither brings them matter for reproach nor clouds the sky of their cherished hopes.

Even supposing that America should force us to submit, and after many years of war the country should submit, as the lesser evil, to the proclamation of an ample autonomy, that autonomy would not produce a sincere bond of friendship between the two people, because, having sacrificed herself for her independence, the country could not look with affection upon those who would be the only obstacle to her happiness. She would always retain her aspirations, so that autonomy would be a short "interregnum," which the country would necessarily take advantage of to regain new strength to be used in the attainment of her high political ideals, happen what may, and perhaps in some hour of peril strike a fatal blow at a hated oppressor.

The PRESIDENT pro tempore. The petition will be referred to the Committee on the Philippines.

Mr. TELLER. Mr. President. I wish to ask the unanimous consent of the Senate that the petition may be printed as a document.

Mr. HAWLEY. I object. It is a treasonable denunciation of the Government and an attack upon all our soldiers.

Mr. HOAR. Is there to be debate? I thought the Senator was delighted that we were to be dumb; but if he is going to speak—

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. No debate is in order. The Senator from Colorado asks unanimous consent that the petition be printed as a document. Is there objection?

Mr. HAWLEY. I do object.

The PRESIDENT pro tempore. Objection is made. It will be referred to the Committee on the Philippines.

Mr. BACON. I am informed that the reading was not completed.

The PRESIDENT pro tempore. The Chair supposed that it had been completed.

Mr. TELLER. I supposed it had been concluded.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the petition.

The Secretary resumed and concluded the reading of the petition, as follows:

No! Autonomy would not bring the desired peace. There might be a relative tranquility, but this would be simulated and temporary. The greater the tranquility the more reason there would be for fear; like a volcano, which smothered in its breast numberless destructive elements, concealing by the appearance of its crater the incessant rage of its infernal bosom, so that when it lets loose its passions the shock is more powerful, everything that it contains being belched forth far and wide as if to lay waste whatever it meets in its terrible passage.

In giving this warning we do not forget the good Americans whom we sincerely respect; we are mindful of the rupture of our good relations with the United States; we are mindful of the blood which will again run on the soil of our country. We see in that autonomy a new and sorrowful page in the history of the Philippines, and therefore we can not but look upon it with horror. Our people have had enough of suffering.

It has already been demonstrated that autonomy could not bring anything but serious grievances to America and the Philippines alike. Let us see if independence could produce mutual benefits for both countries.

We have already shown that independence has been our motto, and, in order to secure this independence, the people swore to sacrifice their whole existence, if necessary. They have appealed to humanity, asking to have recognized what by rights belongs to them. They steadfastly believe that their independence is their only salvation. Should they obtain it, they would be forever grateful to whomsoever shall have helped them in their undertaking; they would consider him as their redeemer, and his name will be engraved with bright letters in the national history, that all the generations to come may read it with sublime veneration.

America, consistent with her tradition, is the only one which could play that great rôle in the present and future of the Philippines. If she recognizes their independence, they could offer her a part of the revenues of the Philippine state, according to the treaty which shall be stipulated; the protection in the country of the merchandise of the United States, and a moral and material guarantee for American capital all over the archipelago; finally, whatever may bring greater prosperity to America and progress to the

country will, we doubt not, be taken into account in the treaty which shall be celebrated.

That the independence of the country will be attended with anarchy is asserted only by those who, offending the truth and forgetting their dignity, represent the Filipinos under horrible colors, comparing them to beasts. Their assertions are backed by isolated acts of pillage and robbery. What revolution of the world was free from such deeds? At this epoch passions are unrestrained; vengeance finds opportunity to satisfy itself; private ambitions are often favored by the occasion. Could such criminal deeds be avoided? Pythagoras said: "If you like to see monsters, travel through a country during a revolution."

Are the Filipinos not fit to govern themselves? It has been sufficiently proven that they are since the constitution of the Philippine republic down to this time, in which the government is compelled to seek refuge in the mountains. It has always recommended itself on the Filipino character; it has always been respected by the people with reverence, and it has always been the protector of life and property and of all that which has come under its jurisdiction.

The constitution of the Philippine republic has proven in a conclusive way that the Filipinos are fitted for an independent government of the archipelago. It is true that on certain occasions there have been a few slight interruptions to the normal progress of the government. But these were unavoidable, since the attention of its prominent men not only could not exclusively be turned to their civil duties, being engaged by the American military operations; for with war, incendiarism, and the continual movement of entire towns and provinces the wisest government in the world could not make regular progress. Furthermore, the future of the country was uncertain, and this caused, in spite of the good and united will of the rulers and the government, further irregularities.

On the other hand, it must be remembered that there were and are Filipinos eminent in politics, military affairs, letters, fine arts, law, medicine, commerce, agriculture, and all that relates to the moral and material culture of man. The most ignorant Filipino reveals a refined quality in his civil life, an unusual submission to authority, a sublime patriotism which is not noticeable in everyone; and what is more remarkable is the fact that in spite of the religious corporations having declared war against Philippine instruction, there are only 20 per cent of the people who can not write and read, and their eagerness for education and improvement is incomparable.

This is no doubt the reason that made honest Americans to realize that the Filipinos are more capable of self-government than the Cubans.

In order to end our appeal we will say, with the learned lawyer, Señor Mabini: "To govern is to study the wants and interpret the aspirations of the people, in order to remedy the former and satisfy the latter." If the natives who know the wants, customs, and aspirations of the people are not fit to govern them, would the Americans, who have had but little to do with the Filipinos, be more capable to govern the latter?

We have, therefore, already proven—

1. That the revolution was the exclusive work of the public;
2. That in preparing it they were moved by a great ideal, the ideal of independence;
3. That they are ready to sacrifice their whole existence in order to realize their just aspirations;
4. That in spite of the serious difficulties through which they are passing, they still expect from America that she will consider them with impartiality and justice, and will recognize what by right belongs to them, and thus give them an opportunity to show their boundless gratitude;
5. That the annexation of the Philippines to America is not feasible;
6. That the American sovereignty is not favored by the Philippine people;
7. That an ample autonomy can not be imposed without violating the Filipino will;
8. That the Filipinos are firm for self-government.

From this it results that the only admissible solution for the present difficulties is the recognition by America of the independence of the Filipinos. In saying this we do not consider either the nullity or the legality of the Paris treaty on our country, but the well-known doctrine of the immortal Washington, and of the sons of the United States of America, worthy champions of oppressed people.

Therefore we, in the name of justice and with all the energies of our souls, demand—

1. That the independence of the Filipinos be recognized;
2. That all the necessary information regarding the events which are taking place, concerning the peaceful towns and places which are supporting the arms of the revolution, be obtained from Filipinos who, by their antecedents and by their actual conduct, deserve the respect and confidence of the Filipino people.

MANILA, July 15, 1900.

The PRESIDENT pro tempore. The petition will be referred to the Committee on the Philippines.

Mr. TELLER. I want to renew the request I made that it be printed as a document.

Mr. HAWLEY. And I shall renew the objection.

The PRESIDENT pro tempore. Objection is made.

Mr. TELLER. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. Petitions and memorials are still in order.

Mr. TELLER. Mr. President, I addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. TELLER. I want to make an inquiry of the Chair. This petition has been read. Will the names which follow appear in the RECORD?

The PRESIDENT pro tempore. They will not.

Mr. TELLER. Then I will ask permission to have them put in.

Mr. HAWLEY. I object. I object to putting treason in the RECORD.

The PRESIDENT pro tempore. Objection is made. The Chair will state that there was an order passed at a former session of the Senate directing that no names should be printed wherever the body of a petition was authorized to be printed.

Mr. TELLER. Do I understand that to be the rule of the Senate?

The PRESIDENT pro tempore. Yes.

Mr. VEST. I want to make a parliamentary inquiry. Can not the Senator from Colorado or any other Senator move to have this paper printed as a public document with the names?

The PRESIDENT pro tempore. The Chair is inclined to the opinion that such a motion might not be in order just now, but there are times when such a motion would be in order. Under

the rule, however, if the motion were made, the Chair would be obliged to send it to the Committee on Printing, unless the Senate should otherwise determine. The regular order now is the reception of morning business.

Mr. TELLER. I did not make the motion to have the entire petition printed because I thought it ought not to be made in the morning hour, but I intend to make it later.

Mr. HOAR (to Mr. TELLER). Put it in the form of an ordinary resolution, and then it will come up properly in the morning hour.

The PRESIDENT pro tempore. If there are no further petitions or memorials, reports of committees are now in order.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 5404) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5365) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended, reported it with amendments, and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 5350) for the establishment of a support of entry at Douglas, Ariz., reported it with an amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Commerce, to whom was referred the bill (S. 5331) to provide an American register for the barkentine *J. C. Pfluger*, of San Francisco, Cal., reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 5364) to establish a light and fog station at Point Dume, Los Angeles County, Cal., reported it with an amendment, and submitted a report thereon.

Mr. THURSTON, from the Committee on the Judiciary, to whom was referred the bill (S. 3852) providing for an additional district judge in the districts of Minnesota and Nebraska, reported it with an amendment, and submitted a report thereon.

STEAM REVENUE CUTTER FOR BOSTON HARBOR.

Mr. MASON. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 5337) providing for the construction of a steam revenue cutter for service in the harbor of Boston, Mass., to report it favorably without amendment.

Mr. LODGE. I ask unanimous consent for the present consideration of that bill.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill which has just been reported. It will be read to the Senate in full for its information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized to purchase or build a suitable vessel to be used as a revenue cutter of the third class at the port of Boston, Mass.: *Provided,* That the cost of said vessel shall not exceed the sum of \$50,000.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. Let the report be read.

Mr. MASON. I will say to the Senator that the substance of the report is the letter of the Secretary of the Treasury.

Mr. PETTIGREW. I should like to have it read.

Mr. LODGE. Let the letter of the Secretary of the Treasury be read, which is the report.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read the report, as follows:

The Committee on Commerce, to whom was referred the bill (S. 5337) providing for the construction of a steam revenue cutter for service in the harbor of Boston, Mass., having considered the same, report with recommendation that the bill pass. The reasons for this conclusion will appear in the letter of the Secretary of the Treasury, to whom the bill was referred, which is appended and made a part of this report:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 5, 1901.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, inclosing bill S. 5337, Fifty-sixth Congress, second session, providing for the construction of a steam revenue cutter for service in the harbor at Boston, Mass., and requesting me to furnish your committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage.

The revenue cutter *Chandler*, now employed on harbor service at Boston, Mass., has been worn out in service. It has been actively on duty for the past thirty-five years. It did duty in the civil war, and was transferred to the Revenue-Cutter Service in 1865, at an original cost of \$6,500, and it has cost nearly \$35,000 to keep this vessel in order since. It is a wooden vessel, a very small tug, very slow, and not at all adapted to the work.

Believing that this vessel should be replaced by a suitable one as soon as practicable, I recommend the passage of the bill herewith returned.

Respectfully,

L. J. GAGE, Secretary.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULAR OFFICERS AS OFFICERS OF VOLUNTEERS.

Mr. HAWLEY. I report favorably from the Committee on Military Affairs a resolution calling for certain statements relating to the Army.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted by Mr. PETTIGREW January 8, 1901, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with the names of all officers of the Regular Army who were appointed to be officers of volunteers since May 1, 1898, the rank said officers held in the Regular Army when so appointed, the rank to which appointed in the volunteers, and the rank now held in the volunteers; whether any regular officers so appointed to volunteer regiments have been assigned to duty other than that of duty in the field with their regiments, the names of officers so detailed, with the date of the detail, the special duty to which assigned, and where such special duty has been and is now being performed.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

Mr. HAWLEY. I think if that information is to be obtained, the quicker we obtain it the better. So I ask for immediate action on the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

HEARINGS BEFORE COMMITTEE ON MILITARY AFFAIRS.

Mr. PLATT of New York. I report favorably from the Committee on Printing a concurrent resolution submitted by the Senator from North Carolina [Mr. BUTLER] for the printing of hearings before the Committee on Military Affairs, for which I ask immediate consideration.

The concurrent resolution submitted by Mr. BUTLER January 8, 1901, was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document 15,000 copies of the hearings before the Committee on Military Affairs of the Senate and the House on Army bill (S. 4300), of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

BILLS INTRODUCED.

Mr. McENERY introduced a bill (S. 5513) for the relief of Rosemond Le Blanc; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 5514) granting a pension to William Y. Turner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 5515) granting an increase of pension to John Williams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TOWNE introduced a bill (S. 5516) granting an increase of pension to John Frett, jr.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 5517) granting a pension to Benjamin F. Freeman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5518) for the purchase of a national forest reserve in the Southern Appalachian Mountains; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. JONES of Arkansas introduced a bill (S. 5519) for the relief of certain owners and occupants of land in Monroe County, Ark.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. RAWLINS introduced a bill (S. 5520) to establish a fish-hatching and fish station in the State of Utah; which was read twice by its title, and referred to the Committee on Fisheries.

He also introduced a bill (S. 5521) for the establishment of an assay office at Provo City, Utah; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. CARTER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5522) granting a pension to John J. Zimmerman; and

A bill (S. 5523) granting a pension to Elizabeth K. Freeman.

Mr. CARTER introduced a bill (S. 5524) for the relief of Dr. Charles B. Miller; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 5525) granting an increase of pension to Warren Damon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHOUP (by request) introduced a bill (S. 5526) for the re-

lief of Maj. James Rockwell, jr.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 5527) for the relief of Marion McKibben; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 5528) for the relief of Thomas M. Steep; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DANIEL (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5529) for the relief of John J. Mitchell.

A bill (S. 5530) for the relief of Lucy B. Legrande, Catharine Jameson, Elizabeth H. Lester, Shirley B. Shackelford, Edwin A. Gibson, and the heirs of Henry Shackelford, deceased; and

A bill (S. 5531) for the relief of Richard K. Hughlett.

Mr. PERKINS introduced a bill (S. 5532) to amend section 8 of an act entitled "An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875, as amended by an act approved March 3, 1887; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO BILLS.

Mr. TURLEY submitted an amendment intended to be proposed by him to the bill (H. R. 12394) to amend an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, and to reduce taxation thereunder; which was referred to the Committee on Finance, and ordered to be printed.

Mr. HOAR submitted an amendment increasing the salaries of the judges of the Supreme Court of the United States and of the circuit and district courts of the United States, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MONEY submitted an amendment providing for the establishment in the Department of the Interior of a psychophysical laboratory, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. BUTLER submitted an amendment authorizing the Secretary of War to appoint a board of engineers to make an additional survey of an inland water route from Norfolk, Va., to Beaufort Inlet, N. C., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PETTIGREW submitted an amendment proposing to confer full jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Sisseton and Wahpeton bands of Dakota or Sioux Indians for the annuities provided by the treaty with said bands on July 23, 1851, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$125,000 to authorize the Commissioners of the District of Columbia to acquire by purchase from the owners, Analostan Island, in the Potomac River, near the city of Washington, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CHEROKEE ENROLLMENT.

Mr. JONES of Arkansas. Mr. President, I desire to present to the Senate, and by that means to the public, two letters which I have in my possession, which I think the ends of justice require shall be made public. They are very short, and I will read them. The first letter is dated Maysville, Ark., December 10, 1900. It is addressed to me, and is in the following language:

Will you please inform me if there is an agreement made with the Committee on Indian Affairs with Mr. M. M. Edmiston, of Vinita, Ind. T., to allow 125 families to be enrolled as Cherokees? I am a claimant myself and have paid Mr. Edmiston a good deal of money to attend to it and get it all righted up for me. Now, I understand that there is no contract to that effect, and if it is not so, Mr. E. has obtained money under false pretense, as he has informed us that he had a contract to that effect with you.

Please give me all the information you can concerning the claimants' right in the Territory. Please let me hear from you as early as possible and oblige, etc.

Some other gentleman in the Indian Territory has sent me a copy of a letter written by this man Edmiston to one of those people. It is proper for me to explain to the Senate that there are thousands of people in the Indian Territory who are claiming the right to be enrolled as Cherokees, and there are some men claiming to be attorneys who are pretending that they can by some means, by some sort of influence which they can bring to bear, have those people enrolled as Cherokees. This means is adopted for the purpose of robbing hundreds of poor people of their hard-earned money, when the men who are getting the money know perfectly

well that they can render them no service whatever, and they do not expect to render them any service. It is simply a means of obtaining money by fraudulent pretenses. Here is the letter of Mr. Edmiston, referred to in the letter which I have just now read:

VINITA, IND. T., August 3, 1900.

DEAR SIR: Pressing business, after five months' absence in Washington, has caused delay in writing claimants as to present conditions. The fight was persistent before the committees. Our efforts from the first were to have an investigation of the works of the Dawes Commission. We won our contention by securing the removal of Mr. McKennon, who presented matters for legislation in favor of the Indians, as a paid attorney would be expected to do. His removal was a victory, as much interest exhibited by our opponents was lost when Mr. McKennon stepped down.

We were promised by the Senate committee that our amendment would go on the treaty. The subcommittee of the House, acting independently, introduced the treaty bill without our amendment. When Senator JONES asked for consent to introduce the same bill in the Senate, Senator STEWART, whom we had won to our side, objected on the proposition of right, that our amendment should go on the treaty. This prevented the bill then introduced in the Senate from passing. Later Senator JONES agreed that a modified amendment made or suggested by himself should go on the bill. The amendment is as follows:

"That claimants having Masters reports showing Indian blood, not to exceed 125 families, to be named, shall be enrolled by the Secretary on proof of residence on April 1, 1900."

This was agreed to by members of the House committee who had opposed our claim. The following day Senator JONES arose to introduce the treaty with our amendment, when Senator McLAURIN had the bill go over to December, that the lease provision might be discussed. It is understood that the lease clause will be compromised and the treaty with our amendment will pass early in the next session.

The Indians can not afford to accept the Curtis bill, and they will ratify the treaty with our amendment, which will admit about 500 or 600 people.

Of course, the amendment cuts out those who have moved out of the Territory with intent to remain away. We could not take chances in the loss to those who have remained.

It is important that I return to Washington to see that no slip is made and that the promises made us will be fulfilled.

A very few claimants advanced the extra money to keep me in the capital so long, some of them paying more than \$75. There is to be a cash expenditure of probably \$500 to insure enrollment, besides my expenses. The claimants now in the Territory to the stated number have every assurance of enrollment. The men who have advanced the money suggest that a list of 105 families be made on the conditions that \$10 be paid me by each family, which amount will be deducted from the contract fee of 15 per cent.

My clients will not number more than 105 families. I wish to place them first on the list. As there may be families represented by other attorneys who may apply to me, it is important that my clients who desire to join this list do so at once. I will name the families in the order I receive them to the number of 105. If there are others, they will be left out under the amendment. I desire the names and ages of each member of your family who is a claimant. This letter is intended for all claimants.

I gave up my office for five months, and I will succeed, as I have always stated; but success will only come to those who do their part, which is small compared to my loss of time. You are at home conducting your business. A few dollars is nothing to you compared to my loss of time from family and business. Trusting you will see the importance of acting early,

I am, very truly,

W. M. EDMISTON.

Mr. President, the statements of alleged fact in this letter of this man, intending to induce hundreds of applicants for enrollment to send him money, are absolutely false in every single respect so far as they relate to the Indian Committee or to any member of it, so far as I know and believe.

All the claim on his part that he had Mr. McKennon removed from the Dawes Commission is the veriest nonsense. Mr. McKennon saw the Secretary of the Interior and told him that on account of private arrangements he wanted to resign. It was a matter strictly confidential between Mr. McKennon and the Secretary. Neither my colleague [Mr. BERRY] nor I, who have known Mr. McKennon almost from boyhood, knew that he had any idea of resigning. We were told of it only at the time the Secretary was ready to fill Mr. McKennon's place. He resigned because he wanted to go into other business; and yet this man Edmiston unblushingly publishes in a letter—it was not published in the newspapers, but sent broadcast throughout the country—that he had Mr. McKennon removed. He had nothing on the face of the earth to do with it. Mr. McKennon's resignation was voluntary. There has never been a charge made against his good name, so far as I know or have ever heard, except in this letter.

The claim of this man Edmiston that he is attorney for 105 families and that he has some private arrangements with the Committee on Indian Affairs by which he can have these people enrolled is nothing but nonsense.

Mr. TELLER. What is the name?

Mr. JONES of Arkansas. M. M. Edmiston. He lives at Vinita, Ind. T.

He comes here occasionally, and wanted to come before the committee, claiming to represent somebody. The whole purpose of all this business is to induce a lot of people there to believe that he has some influence here, and that by paying him ten, or fifteen, or twenty dollars, or fifty dollars, he will be able to do them some good, when everybody in the Senate and everybody who knows anything about the proceedings here knows there is not the slightest possibility of his doing so. I simply present these matters so that they may be made public and so that they can go to every one of these poor people who have been hoodwinked and deluded and robbed by these scoundrels, so that they may know what the facts are.

Mr. STEWART. I wish to say only a word. So far as my

knowledge extends, every material part of that letter is false. Mr. Edmiston came before the committee and we heard him there. We were willing to correct any mistakes and to listen to what he had to say and to what others had to say in regard to the matter. No intimation of what we would do was made by me or anybody else, as I am very certain, and the whole substance of the letter is therefore absolutely false.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Arkansas request that the letters be printed as a document, or simply in the RECORD?

Mr. JONES of Arkansas. I care nothing about it. I read them, and I suppose they will go into the RECORD and thereby become public. I do not care anything about it.

PAYMENT OF STENOGRAPHERS.

Mr. PRITCHARD submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearing before the Committee on Patents on the bill (S. 5089) for the relief of the widow of Isaiah Smith Hyatt be paid from the contingent fund of the Senate.

Mr. PROCTOR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearings before the Committee on Agriculture and Forestry upon House bill 3717, known as the oleomargarine bill, be paid from the contingent fund of the Senate.

THE MILITARY ESTABLISHMENT.

Mr. MONEY. I ask leave to withdraw the amendment of which I gave notice, intended to be submitted to the bill (S. 4300) to increase the efficiency of the military establishment of the United States, and to present in its place, in order to correct verbal errors, another amendment, which I ask to have printed in the RECORD.

The PRESIDING OFFICER. The Senator asks that the present proposed amendment be inserted in the RECORD?

Mr. MONEY. Yes, sir.

The PRESIDING OFFICER. Without objection, the former amendment will be withdrawn and the amendment now submitted by the Senator from Mississippi will be printed in the RECORD, and lie on the table.

The amendment referred to is as follows:

And provided also, That each and every provision of this act shall continue in force until July 1, 1903, and on and after that date all the general, staff, and line officers appointed to the Army under this act shall be discharged, and the numbers restored in each grade to those existing at the passage of this act, and the enlisted force of the line of the Army shall be reduced to the number as provided for by law prior to April 1, 1898, exclusive of such additions as have been or may be made under this act to the artillery, and except the cadets provided for by this act who may be appointed prior to July 1, 1903: *And provided further*, That no officer who has been or may be promoted under existing law or under the rules of seniority shall be disturbed in his rank.

PETITION OF FILIPINOS.

Mr. TELLER. I ask for the adoption of the order which I send to the desk.

The PRESIDING OFFICER. The Senator from Colorado presents an order, which will be read.

The Secretary read as follows:

Ordered, That the petition of certain inhabitants of the Philippine Islands, which has to-day been read in the Senate, be printed as a document, together with the names of the signers.

The PRESIDING OFFICER. Has the Senator from Colorado ascertained the probable cost of printing this document?

Mr. LODGE. It will be much less than \$500. It is a very short petition to be printed, I think. The names, I understand, have all been taken off.

Mr. TELLER. The names have all been put in type, so there will be no trouble in agreeing to the order.

Mr. HAWLEY. Mr. President, I just want to enter my protest against this violently treasonable document, an attack upon the United States, upon its power, upon its troops, a passionate appeal to continue to kill our men. If Jefferson Davis brought along a similar paper after the battle of Gettysburg I do not think it would have been read and printed as a document to be circulated among the people of the United States, and it would have been a mild crime in comparison with this.

Mr. TELLER. I ask for the adoption of the order. I do not understand that the Senator from Connecticut objects.

Mr. HAWLEY. I object.

The PRESIDING OFFICER. If the Senator objects, it will go over for one day under the rule.

Mr. HAWLEY. I object.

Mr. TELLER. Then let it go over until to-morrow.

The PRESIDING OFFICER. The order will go over.

MEMORIAL ADDRESSES ON THE LATE SENATOR GEAR.

Mr. ALLISON. Mr. President, I desire to give notice that on Saturday, the 19th of January, after the routine morning business, I shall submit resolutions commemorative of the life and services of the Hon. JOHN HENRY GEAR, late a Senator from the State of Iowa.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I ask unanimous consent that the Senate proceed to the consideration of the Army bill.

There being no objection, the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. HAWLEY. I believe the amendment offered by the Senator from Vermont [Mr. PROCTOR] is pending.

The PRESIDING OFFICER. The amendment proposed by the Senator from Vermont will be read.

The SECRETARY. An amendment by Mr. PROCTOR, on page 36, line 16, to strike out all of section 24 after the words "Military Academy" and insert the following:

Persons not over 40 years of age who have served as volunteers subsequent to April 21, 1898, may be ordered before boards of officers for such examination as may be prescribed by the Secretary of War, and who may establish their fitness before these examining boards, may be appointed to the grades of first or second lieutenant in the Regular Army, taking rank in the respective grades according to seniority as determined by length of prior commissioned service; but no officer appointed under the provisions of this section shall be placed above another in the same grade with longer commissioned service, and nothing herein contained shall change the relative rank of officers heretofore commissioned in the Regular Army.

Enlisted men of volunteers may be appointed second lieutenants in the Regular Army under the same conditions now authorized by law for enlisted men of the Regular Army.

Mr. SPOONER. We had some discussion the other day as to the construction of this amendment. I understood the Senator from Vermont to agree that there should be inserted there the words "at any time," the point being to exclude the construction that it required a continuous service.

Mr. PROCTOR. I accept that. Let it read "shall have served."

Mr. SPOONER. I do not think that does it. I suggest that the words "shall have at any time served" will cover it.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Vermont.

Mr. SPOONER. The Senator from Vermont, if I am not mistaken in the signs, is willing to accept my suggestion and is writing it into the amendment.

Mr. PROCTOR. Certainly. In line 3 of the amendment I move to modify it by inserting after the word "who" the word "shall," and after the word "have" the words "at any time," so as to read "who shall have at any time served as volunteers."

The PRESIDING OFFICER. The Senator proposes to modify his amendment in that way?

Mr. PROCTOR. Yes.

The PRESIDING OFFICER. The amendment will be considered as modified to that extent.

Mr. DANIEL. I desire to offer a substitute for the entire amendment offered by the Senator from Vermont.

The PRESIDING OFFICER. The substitute will be read.

Mr. PROCTOR. I suggest the point whether the substitute is in order. It was understood that after the committee amendments had been adopted any amendments might be considered, and it was my impression that amendments to amendments were not to be considered at this stage.

The PRESIDING OFFICER. The Chair is of opinion that under the unanimous-consent agreement the Senator from Vermont is correct.

Mr. PROCTOR. It will be in order after the committee amendments are considered.

Mr. SPOONER. Let the amendment be read.

The PRESIDING OFFICER. The substitute will be read for information.

The SECRETARY. An amendment by Mr. DANIEL to insert, in lieu of the amendment proposed by the Senator from Vermont, the following:

An officer or enlisted man of volunteers who has at any time been, or who may hereafter be, mustered into the service of the United States, and who may possess an honorable record, shall be eligible to appointment by the President, subject to confirmation by the Senate, to any office in the Regular Army of the United States.

The PRESIDING OFFICER. Under the unanimous-consent agreement the proposed substitute can not now be considered, but it will be in order at a subsequent time. The question is on agreeing to the amendment submitted by the Senator from Vermont.

Mr. DANIEL. Is not this amendment in order now as a substitute for the amendment of the Senator from Vermont?

The PRESIDING OFFICER. The Chair would suggest to the Senator from Virginia that as the present occupant of the chair understands the matter there was a unanimous-consent agreement entered into that amendments submitted by the committee should be first considered, but that afterwards it should be in order for any Senator to move to amend them, or to substitute any matter for them.

Mr. DANIEL. Of course, if this is thought to be a breach of the unanimous-consent agreement, I shall not insist upon it now. Do I understand that the Senator from Vermont looks at it in that way?

Mr. PROCTOR. I understood the agreement and purpose to be that the bill should be perfected as the committee recom-

mended, and that then any amendments would be in order, but not before that time.

Mr. HOAR. The unanimous-consent agreement, as I understood it, went a little further than the Chair has stated it, because if committee amendments were to be first in order, of course it would be in order to amend them or to offer substitutes for them. The unanimous-consent agreement was that thereafter all amendments, even to those committee amendments or otherwise, should be in order. It was intended first to get the bill in the shape in which the committee wanted it, as if it were reported. So I understand the substitute for the committee amendment now proposed by the Senator from Virginia will be in order later under the agreement, although it would not be without the agreement.

The PRESIDING OFFICER. The statement made by the Senator from Massachusetts is undoubtedly correct. The Chair did not think it necessary to state that fact.

Mr. DANIEL. I think every Senator here who knows me knows that I would not trench upon a unanimous-consent agreement. I have not the words of the agreement before me, but as I understood the agreement it was that gentlemen who had independent amendments to the bill to offer would not be precluded from offering them by passing by amendments now, and would be heard after the bill was perfected by considering amendments offered by the committee. I did not know or apprehend that there was any agreement that would cut off any member of the Senate from perfecting or offering a substitute for a proposition of the committee to amend the bill. I did not so understand it. If that is the understanding of the Senate, of course I have not another word to say.

Mr. ALLISON. The Senator from Virginia is not cut off. As I understand the effect of the agreement, it is that the amendments of the committee should be considered, and that those amendments should be open to amendment as though they were a part of the original text. So it is perfectly proper under the agreement at a later stage to move to strike out this amendment.

Mr. DANIEL. Is it not proper now?

Mr. ALLISON. I understand the Chair to think not.

Mr. DANIEL. If the Chair thinks, and I submit this matter entirely to the judgment of the Chair, that it is not within the purview of the unanimous-consent agreement that this substitute shall be offered now, I shall not offer it.

The PRESIDING OFFICER. The Chair regrets to say to the Senator from Virginia that it does so hold.

Mr. DANIEL. I understand.

Mr. BATE. Do I understand that no amendment can be presented as a substitute for a committee amendment?

The PRESIDING OFFICER. The opinion of the Chair is that under the unanimous-consent agreement it can not be done at the present time, but it may be at some subsequent period.

Mr. BATE. I suppose after we have passed upon the amendments which the committee have recommended.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Vermont as modified. The amendment as modified was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The SECRETARY. An amendment proposed by Mr. HAWLEY, from the Committee on Military Affairs, on page 31, line 9, after "two hundred" to insert "and fifty."

Mr. PETTIGREW. I should like to know how the paragraph will then read.

Mr. BATE. Do I understand that is the amendment relating to the Signal Corps, providing an addition of 50?

Mr. HAWLEY. The amendment relates to the Signal Corps, and has been approved by the committee. It adds 50 privates to the force of that corps, who are absolutely needed, in the judgment of the officers there.

Mr. BATE. I had a substitute that I proposed to offer for that, but under the ruling of the Chair it will go over. I do not object to this amendment, but I do not think it is large enough, and I shall offer an amendment calling for a larger number.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported from the Committee on Military Affairs. The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The SECRETARY. On page 39 the committee proposes to strike out section 37 and insert as new section 31 the following:

SEC. 31. That any officer of the Army now on the active list below the grade of brigadier-general, who served during the civil war, shall, when retired, be retired with the rank and pay of the next higher grade, except such officers as may be retired under section 29 of this act. This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any officer whose service on the active list does not exceed thirty-five years.

Mr. COCKRELL. There ought to be more than that.

Mr. HAWLEY. There is an amendment to the amendment in line 10.

The SECRETARY. Committee amendments have been agreed to in line 10, after the word "whose," to insert "active;" in line 11 the words "on the active list" were stricken out and the words "in the Army, exclusive of service as a cadet at the United States Military Academy," were inserted; so that the last part of the section reads as follows:

This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any person whose active service in the Army, exclusive of service as a cadet at the United States Military Academy, does not exceed thirty-five years.

Mr. CULBERSON. Mr. President—

Mr. PROCTOR. I wish the Senator would allow me a moment. There was an amendment made, I think, in line 5, by inserting the words "prior to April 9, 1865."

The PRESIDING OFFICER. The Chair understands that, after the word "war," in line 5, the words "prior to April 9, 1865," were agreed to.

Mr. CULBERSON. I desire to ask the Senator from Vermont if the amendment has yet been adopted striking out section 37?

Mr. PROCTOR. In response to the question of the Senator from Texas I will state that the committee considered that a provision of this kind could not be properly matured and considered in connection with this bill, and that it could come up at any time as a separate measure. There is no immediate action proposed under it, and it was thought better not to incorporate it in this bill. There was no adverse action upon it in committee, but it was thought better to defer affirmative action.

Mr. CULBERSON. I will ask the Senator from Vermont if he will not pass for the present the Senate committee amendment striking out section 37? I am looking into the matter and am not prepared at this moment, as my attention has just been called to it, and I should like to inquire into it a little further.

Mr. PROCTOR. There is no objection to that course.

Mr. TELLER. I ask the Senator to allow section 31 to stand over. I have an amendment which I wish to offer. I might offer it now, I suppose.

Mr. PLATT of Connecticut. What page?

Mr. TELLER. Page 40. It is quite impossible to say what the Senator's amendment is from hearing it read, or how the section will stand. If after the section is perfected and printed I shall have the same right that I now have I shall not insist upon proceeding now.

The PRESIDING OFFICER. The Senator's rights will be protected.

Mr. TELLER. There is an amendment, which I have offered, to strike out the whole section.

Mr. ALLISON. Section 31?

Mr. TELLER. Section 31, and to insert one which I have prepared. I have prepared that with reference to some of the officers who have retired under the thirty-years act.

Mr. ALLISON. Has it been printed?

Mr. TELLER. It has been printed.

Mr. COCKRELL. Has section 31 been passed over?

The PRESIDING OFFICER. The amendments proposed by the committee have been agreed to, as the Chair is informed.

Mr. COCKRELL. My understanding is that the committee authorized the offering of another amendment, and I now offer it, to come in at the end of the amendment already agreed to.

But this act shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress.

Mr. ALLISON. Is that to be inserted at the end of section 31?

Mr. COCKRELL. I want it to come in at the end of section 31.

The PRESIDING OFFICER. The amendment submitted from the committee will be reported.

The SECRETARY. On page 40, line 7, after the words "thirty-five years," it is proposed to insert the following:

But this act shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress.

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be agreed to.

Mr. TELLER. I should like to have that section read as the committee want it perfected.

The PRESIDING OFFICER. The section will be read as amended.

The Secretary read as follows:

SEC. 31. That any officer of the Army now on the active list below the grade of brigadier-general who served during the civil war prior to April 9, 1865, shall, when retired, be retired with the rank and pay of the next higher grade, except such officers as may be retired under section 29 of this act. This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any officer whose active service in the Army, exclusive of service as a cadet at the United States Military Academy, does not exceed thirty-five years. But this act shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress.

Mr. PROCTOR. I wish to call the attention of the Senator from Missouri to one point. I think there is a little addition to his amendment. It was not in my charge, and I speak only from memory. I think there was a further provision that it should not apply to any officer who had received an additional grade on his retirement.

Mr. COCKRELL. That is right. Offer it now.

Mr. PROCTOR. Will the Senator put that in?

Mr. COCKRELL. Let the Senator offer it at the end of the amendment.

Mr. SPOONER. What do you mean by that?

Mr. COCKRELL. There are a number of officers on the retired list who have already received this grade.

Mr. TELLER. Certainly.

Mr. COCKRELL. And if they have, they ought not to have it again.

Mr. TELLER. There are a great many who have not received it who ought to receive it under this bill.

Mr. BACON. I judge by the very numerous limitations that this provision is designed to meet the requirements of certain individuals—I may be in error about that—or, if not certain individuals, of a certain particular class. Doubtless the Military Committee are correct in what they propose to do, but they know what the effect of it will be; we do not; and I think it is due to us that the committee should with perfect frankness disclose to us how many will be benefited by this provision; whether it is so framed that it will cover a general class, meritorious, or whether it will be so limited as to be enjoyed by a very few.

Mr. PROCTOR. Mr. President, this provision applies to 268 officers. It is—

Mr. BACON. I will state to the Senator that so far as I am concerned that statement is sufficient for me. I do not know about others.

The PRESIDING OFFICER. The Senator from Missouri proposes to amend the amendment just adopted. The Secretary will read the proposed amendment.

The Secretary read as follows:

But this act shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress or to any officer who has already received such higher grade.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. TELLER. Mr. President, I wish to secure, if I can, in this amendment a provision that it shall apply to those who served thirty years. I wish to know whether the committee are going to allow that to come in or whether they are going to object to it. If they are going to object to it, I wish to present my amendment, and I am prepared to present some reasons why I think this is a very invidious distinction that they are making.

Mr. PROCTOR. The committee deemed that it would be unwise to extend the amendment any further at this time. An officer retires at thirty years only at his own request. It is not compulsory retirement. He retires because he wishes to engage in business or because for some reason he thinks it is to his advantage to retire. There is no compulsory retirement after thirty years of service. After forty years of service he may be retired by the President without his consent, and at 64 years of age he is retired by operation of law.

The committee deemed that it was unwise to extend the provision any further. We know just how many officers are affected by it. It covers those who had service in the civil war and in the late wars. While, of course, the committee individually recognize that there are a good many worthy officers who do not come within the provision, it seemed that this was quite as far as we ought to go at this time certainly.

Mr. TELLER. Mr. President, this provision is drawn ex industria for the purpose of taking care of certain men and certain men only, and it is an act of great injustice that men who have served a limited time and who have been retired should get this advantage and men who have served a long time and been retired under other conditions should not get it.

What the Senator says about retirement under the thirty-years act may be technically true, but he knows very well that a large number of officers have retired under the thirty-years act who could have retired under the disability act. There was no distinction made between a retirement under the disability act and a retirement under the thirty-years act. A retirement under the thirty-years act could be readily accomplished. Under the other act you must call a board and there must be consideration by the board and much delay, and frequently some expense to the party.

Mr. President, I have in my hand a memorandum of one officer at least who sat down and wrote to the Department that he was entitled to return under the disability act. He entered the civil war at the very commencement and had gone through the civil war as a volunteer. He had then been put in the Regular Army. He had served for years on the frontier, and his total service was over thirty years. He stated to the Department that he was so incapacitated by rheumatism, which had followed him for several years, that he could no longer render the service the Government had a right to expect of him, and he ought to be retired under that act. If he told the truth in the letter which was written at that time he was entitled then to be retired under the act. He was retired under the thirty years' act as a consequence. He gets nothing but a colonel's pay, while men who entered the Academy

at Westpoint after he had served ten or a dozen years in the United States Army come in under the provisions of this proposed act and secure the pay of the additional grade.

Mr. President, I am going to read a memorandum. I do not care about bringing in these officers' names. They are all sensitive about those things. I happen to know this gentleman very well.

It is suggested to me that a man might serve during the whole civil war and be on the active list going from the Volunteer Army into the Regular Army, and still not fall within this provision. That is the fact, and I am going to show it before I get through.

Appointed from civil life first lieutenant, Fifteenth United States Infantry, and made regimental quartermaster; served during civil war in various capacities with regiment in Army of the Cumberland, and on staff duty as provost-marshal Chattanooga, Tenn.; acting assistant adjutant-general, inspector of District of Etowah, and at close of war inspector of the Department of Georgia, from which he was relieved in December, 1865, to join his company and regiment. Served until fall of 1870 during reconstruction times in the Southern States, commanding at different times the posts at Atlanta, Ga., Augusta, Ga., Fort Morgan, Ala., and being stationed at other posts. Stationed at Davids Island, New York Harbor, from fall of 1870 till spring of 1872, when he went in command of his company to the Yellowstone River (marching from Fort Rice, on Missouri River), during which time he was in a number of interesting little skirmishes with Sitting Bull. Served at Fort D. A. Russell, Wyo., and Camp Sternburgh until July, 1874, when he went with regiment to Arizona, where, off and on, he served about eight years, and where he performed very arduous service. After four years in Arizona, he was two years in San Francisco on recruiting service; then back to Arizona; then to Fort Pembina, in Dakota, for four years, where the temperature each winter was 45° below zero; then back to Arizona, with 115° in the shade. He finally wound up as colonel Nineteenth Infantry, at Fort Wayne, Mich., but his health had been so impaired by hard work on the frontier that he was no longer fit for service in the field, and therefore applied for retirement under section 1243, Revised Statutes.

I have here on my desk a certified copy of this officer's letter that he wrote detailing to the Department why he wanted to retire from the Army. He stated that he had spent some time at the Hot Springs and had received some relief there, but he felt that he could no longer endure the hardships of military life. This man was brevetted a major for gallant and meritorious service in the battle of Missionary Ridge, Tennessee. He was brevetted lieutenant-colonel for gallant services in action against the Indians in Arizona on various occasions. He has a record that is as good as anybody's, and this man, who is incapacitated for active service on account of his health, is shut out by this provision which the Military Committee, without any reason under the heavens that I can see, insist shall not be amended so as to give him an opportunity as it would give to certain others, I admit.

Mr. SPOONER. When was he transferred to the Regular Army?

Mr. TELLER. He was transferred to the Regular Army after the war. I do not know whether the date is shown here or not. I am told that most of these people came to the Regular Army about 1866.

Mr. President, I have another case here to which I wish to call attention. A soldier entered the Army from Michigan June 10, 1861, and was discharged August 16, 1862, for a severe wound in the head received at Malvern Hill. As soon as he recovered he reenlisted. He might have stayed out of the Army, but he returned to the Army as sergeant-major. He returned September 6, 1862, having been discharged August 16, 1862. He was a sergeant-major September 6, 1862, captain November 21, 1862, and was honorably mustered out of the Army October 12, 1865. He was a captain, United States Army, July 28, 1866, on the recommendation of Generals Sheridan, Hancock, Franklin, Custer, Steedman, and others. He was retired in 1868 for disabilities from wound in line of duty, brevetted major, United States Army, for gallant and meritorious services in the assault at Port Hudson, June 14, 1863, nearly a year after he had been almost mortally wounded at Malvern Hill.

Mr. SPOONER. How long was he on the active list of the Regular Army?

Mr. TELLER. He was only two years on the active list. He would like to have stayed on the active list, if he had been incapacitated, but he said he could not stay because of his disability. Any person who is acquainted with this officer and his record will, I believe, say without any hesitation that there are few men on the Army roll, no matter what their service may have been, who are better entitled to be considered under this generous provision of the Government toward the old soldiers than that major.

I have another statement here that I wish to read. It is a memorandum made by an officer. I do not know whether he cares about having his name mentioned. I know him; Senators know him. I believe he would not get any benefit from this act as it is. He gives a reason why this provision should be changed.

Between January 1, 1861, and August 1, 1866, the number of general officers, exclusive of staff departments and corps, of the Regular Army was increased from 1 major-general and 3 brigadier-generals to 1 general, 1 lieutenant-general, 5 major-generals, and 10 brigadier-generals—this is a Regular Army officer and he always has served in the regulars—an increase of 1 general, 1 lieutenant-general, 4 major-generals, and 7 brigadier-generals, constituting 13 original vacancies. During the period the major-generals and brigadier-generals who left the active list led to casual vacancies, which were increased by the appointment of some of the remaining general officers to higher grades. All of the appointments were given to distinguished officers who, after appointment, served for a considerable time. As a result promotion was relatively slow—he is a Westpoint man—and numerous regular officers who had been major-generals and brigadier-generals of volunteers during the civil war of four years had to stand in the regular establishment as colonels and lieutenant-colonels, and several as majors. Thus was the subject rested. Some of the officers subsequently became generals; others died without promotion, and others stand to-day on the retired lists as colonels and in lower grades.

In May, 1897, prior to the Spanish war of a few months—insignificant when compared with the momentous civil war of four years—a new method, coupled with good intention, was observed as to the appointment of general officers. Vacancies, through retirements, happened in the grade of major-general. Two brigadier-generals were appointed major-generals, and within eight days both of them were retired, at their own requests, without having been assigned to duty. In June two colonels were appointed brigadier-generals and similarly retired.

After the commencement of the Spanish-American war the method of using vacancies, caused by retirements, for several promotions was continued, with the result that 13 officers were appointed brigadier-generals, and, without assignment to duty, all of them were retired very soon after their appointments.

Mr. President, I do not mean to complain of that, and I do not know that anyone does; but I do think that when we could go to the extent of making colonels brigadiers for the express purpose, and the only purpose, and the admitted purpose of giving them an increased rank upon which to retire, we ought to do justice to some of these men who have been on the retired list at the low rank of captain and major and lieutenant-colonel for many years, who had quite as much service as those whom we thus signally promoted, and in some instances very much more.

The effect of such appointments has been to disturb the equipoise of the retired list, in that juniors in rank, service, and age have been placed on the retired list and made seniors in rank to officers of the civil war who had been previously retired. Of the juniors so placed not one was a brigadier-general of volunteers during the civil war; three were brigadier-generals of volunteers by brevet. Among the colonels thus made juniors the 1900 Army Register lists many colonels, in their order of retirement, with periods of service ranging from forty-three to sixty-two years, against periods of service of forty-two years or less for their former juniors. And, moreover, the class of colonels, as cited, had gained in the majority of cases the "highest assignable rank" by brevet of major-general, brigadier-general, or colonel in the Regular Army during the civil war; and in addition many of them during that war held the rank of major-general, brigadier-general, or colonel of volunteers; and the Department made juniors of some people who did not serve in the civil war at all. At least there can be found one or two instances of that kind, I know.

Striking instances are apparent in the cases of Col. John G. Parke, who died recently, as you will recollect, who was a brigadier-general and major-general of volunteers, commanded an army corps, and in 1865 brevetted major-general, United States Army; Col. Wager Swayne, who was brigadier-general and major-general of volunteers, and after the war colonel Forty-fifth United States Infantry, and major-general, by brevet, United States Army. He lost his right leg in battle.

If we pass to the list of retired brigadier-generals, we have the prominent cases of Horatio G. Wright and David S. Stanley. Both had commanded army corps and have brilliant records. Getty, Stanley, Abbott, and there may have been others, endeavored to get Congress to legislate them higher rank, but failed. They went upon the retired list with the rank they then held in the Regular Army. Since then we have superseded them with men who had not seen any such service or rendered any such service to the Government as they rendered.

Mr. President, I want to stop here a moment and say that this Army bill was drawn in the Army office, and it was drawn to take care of the pets of the Army. It has no intention, in my judgment (if it has, it absolutely fails), to do justice to the men who are entitled to justice here, if any men are. The crippled soldiers who were retired at an early day because of their disabilities, who would have rather continued in the service, and if they had continued in the service would have received higher

rank and higher pay—in other words, Mr. President, the men who took their lives in their hands in the desperate fight and went to the front and were wounded and disabled are put below the men who either by fortune or otherwise escaped unhurt.

I have on my table here a letter from a man who was nine times wounded, and brevetted on various occasions for his service in the Army, who was retired as a captain, and who will remain as a captain under this bill, while men who never saw an hour's service in the civil war were promoted from time to time and became colonels and are receiving colonel's retired pay.

Mr. President, if this bill passes it ought to pass so as to do justice not to a few men selected by somebody at the War Department, but to do justice to the men who are entitled to it by virtue of their service; and if occasionally you should give to some man who is not entitled to it, it is better to do that than that you should deny it to the great body of the men who were retired in the early days for disability and who are entitled to it.

The disturbance of the equivoque is not confined to the brigadiers and colonels. It involves the lieutenant-colonels, majors, and lieutenants—many wounded in line of duty, and a number losing legs, arms, or feet—because promotion on the active list, due to the promotions of major-generals and brigadier-generals, under the recent and well-intended method, as recited, have advanced some officers on the active list, and that advancement will pass to their advantage when they shall have reached retirement.

The unintentional injustice done to the retired officers of the civil war, as indicated by the foregoing, should be remedied; and liberal action of the Congress should be extended to that end.

And then the writer adds:

The amendment proposed will, if adopted by the Congress, extend in part the desired relief.

He then referred to the amendment offered by the President pro tempore of the Senate [Mr. FRYE], which was then pending. It was not complete in all respects, because it did not do justice to the men who had been retired under the thirty years' provision.

Mr. President, I wish to read one or two memoranda that I have here. Where a gentleman has written and sent his name I do not feel any hesitation in reading it:

DEAR SIR: Section 31 of the House bill for the reorganization of the Army, as amended by the Senate committee, among other things, provides—

This is a letter dated at Salt Lake City, Utah, December 31, 1900—

"This section shall apply to officers retired on or since the 11th day of August, 1891, but shall not apply to any officer whose service on the active list does not extend thirty-five years." This proviso as to length of service on the active list precludes me from the benefit of the act and does me what I consider an injustice. In support of this assertion I beg to submit the following facts, viz:

As a native of Virginia, and while still a very young man, I entered the Union Army as first lieutenant, Third West Virginia Cavalry, in 1862, and was regularly promoted and served in every grade up to lieutenant-colonel, being brevetted colonel and brigadier-general for gallant and meritorious services during the Shenandoah campaign of 1864 and the final campaign around Richmond and Petersburg in 1865 (see pages 220 and 356, Army Register, 1900); was honorably mustered out of the service June 30, 1865.

August 30, 1880, President Hayes, of his own volition, appointed me major and paymaster, United States Army. I accepted and served faithfully as such until September 8, 1899, the date of my retirement on account of disability incident to the service, a period of nineteen years.

During this entire time I held the rank of major, while numbers of officers who were captains when I reentered the service in 1880 were regularly promoted to the grades of brigadier and major general. At the date of my retirement, September 8, 1899, I ranked every major in the Army except two paymasters.

Notwithstanding these facts and the further fact that numbers of officers have been recently promoted to the rank of major, colonel, and brigadier-general, and immediately retired, who had not reached the retiring age, and who were in the enjoyment of good health.

And it is now proposed, as shown by the list of officers furnished by the Secretary of War to the Senate Committee on Military Affairs, that 280 more officers on the active list are to be promoted on their retirement under the bill in its present shape, 73 of this number being colonels who will thus be made brigadier-generals, who the record shows only served on an average some five years as majors and three to four years as lieutenant-colonels, though it is true that their promotion up to this time had been slow.

Notwithstanding under the provisions of the bill in its present shape myself and other officers similarly situated are excluded from its benefits.

These being the facts, as can be verified by the official records—

Mr. President, I have verified this—

and having honestly and faithfully served my Government as an officer on the active list in time of war and peace for over twenty-one years, and my record during this long service being without stain or blemish, I confidently appeal to your sense of justice and right to see to it that the clause in section 31 of the bill which reads "That the benefit of the act shall not apply to an officer on the retired list unless he shall have served thirty-five years on the active list," be stricken out or amended so as to give me the rank and pay of lieutenant-colonel on the retired list, which I have most justly earned.

He says:

In making the above statement as to my case I do not wish to be understood as advocating the passage of the Army bill now under consideration. I simply desire that I be not unjustly discriminated against should the same be enacted into law.

I am, sir, with great respect, your obedient servant.

J. S. WITCHER,

Major, U. S. A., Retired, Brevet Brigadier-General, U. S. V.

Mr. PROCTOR. A paymaster?

Mr. TELLER. A paymaster, but he had service. Under this act there will be some men retired who have not served in the

civil war. I have a memorandum which was handed me by a retired Army officer, in which he says:

There are now on the retired list 153 officers, who retired with increased grades, who did not serve in the civil war: 15 majors, 52 captains, and 37 first lieutenants who entered the Army after the close of the civil war.

I have gone over the Army Register, and I find men retired with this increased grade who entered the Academy at Westpoint after the civil war had closed.

Mr. COCKRELL. Your amendment would include them?

Mr. TELLER. My amendment would not interfere with the people who are on the retired list, but would take in many who are now cut out by this particular provision of the law.

Mr. PROCTOR. Will the Senator allow me a moment?

Mr. TELLER. Certainly.

Mr. PROCTOR. I understood the Senator to say that the provision of the committee included men who did not serve in the civil war.

Mr. TELLER. I think it might include them.

Mr. PROCTOR. The language is intended to be specific, and to apply to those who served during the civil war.

Mr. TELLER. I believe that is now so. What I had in view was that, at the time the Senator first introduced the amendment, those officers might have been only perfunctorily performing service, because they might have entered after the war actually ended; but if the Senator takes that out the difficulty is obviated.

There are two or three other matters I wish to refer to. I want to call attention to the fact that the Army Register is full of the names of men who entered the civil war, who went through the civil war, held high commands in the Army during the civil war, and then went into the Regular Army and were retired for disability or retired after thirty years' service, who are not promoted to this additional bounty, while men who were not then in the Army, who had not had four years' service, who had not yet entered the Military Academy at Westpoint, afterwards going there and coming out, are now on the retired list with a grade above that of these men, and besides an additional grade. I have a letter from a retired officer on the list who has the service that he claims, for I have looked up his record in the Army Register. He says:

I may view the situation from the standpoint of personal interest, but can see no good reason why officers whose good fortune it was to escape the effects of shot and shell during the civil war, so that they could serve in the war with Spain, should be retired with increased rank, and the officers whose disabilities resulting from wounds received in the prior and much greater war, that compelled their earlier retirement, should not be treated with the same consideration.

I was wounded nine times, and received six brevets for gallant and meritorious conduct in battle, and believe myself entitled to as much reward as any officer who escaped all injury during the war of the rebellion and lived in health and strength to serve in the war with Spain.

Very truly, yours,

SAM'L K. SCHWENK,

Captain and Brevet Lieutenant-Colonel, U. S. A.,
Brevet Brigadier-General of Volunteers.

Mr. President, there is one other thing I think I ought to state. The retired Army officers of the civil war are naturally older men than those who have retired since—those who entered the Military Academy at Westpoint, as I said, after these men had their four years' service and sometimes have had ten years' service either in the volunteer or the regular force. These old men are disappearing much more rapidly from the rolls than the new men.

I have here some memoranda furnished me by an officer who is a retired captain. He was a volunteer private. He became a regular after the civil war, and was retired because he did not have the good fortune to get at the head of the list.

A large number of captains who reached the head of the list, who got there by accident, who got there by the deaths of others on the list, were promoted when other men who served much longer and were retired practically at the same time, but not standing at the head of the list, were retired only with the rank in which they then served, while the men who succeeded in getting to the head of the list—which is no indication of superior merit or superior service—were retired with a higher grade.

Mr. PROCTOR. With the permission of the Senator, I will suggest to him that his amendment would give this additional grade to certain men who have already received an additional grade.

Mr. TELLER. The Senator can amend it in any way to prevent that. It was not intended to do that.

Mr. PROCTOR. Those who have got to the head of the list and on examination are considered fit to take the higher grade will not be excluded.

Mr. TELLER. Very well. If the Senator will accept my amendment, he can make that amendment to it.

Mr. PROCTOR. I merely wanted to call the Senator's attention to it.

Mr. TELLER. I did not, of course, intend to give anybody an increased grade who had it; but it is intended, if I can succeed in having the amendment adopted, to give to these people what I think is justice, and to prevent what I think would be a scandalous favoritism by enabling one man, who has rendered no more

efficient service, to be their superior in rank and their superior in pay.

A retired officer sent the memoranda to me which I am going to read. I happen to know him and to know something of his record. He says:

In the ordinary course of events the old soldier is fast passing away. The officers who served during the war between the States are nearly all on the shady side of 58, most of whom are far beyond that, and many of whom are supporting large families and eking out a precarious existence on the pittance received by them on the retired list of the Army.

I want to say that this officer retired as a captain, and retired as a captain simply because in doing his duty as an officer he had received wounds which incapacitated him for longer remaining in the Army. There is no demerit, Mr. President, in an officer being retired when he is incapacitated from longer staying in the Army. There is no special merit in an officer who, escaping the shot and shell in battle and who has not been broken down by arduous labor, can longer remain. There is nothing in the mere length of service which ought to entitle such an officer to rank over the man who was disabled and disqualified, and not only disabled and disqualified from staying in the Army, but disabled and disqualified from following the ordinary pursuits of life, as many of these officers have been.

As to what inroads death is making among them the following comparative statement of the deaths among them and those on the active list will show; and it should be remembered that the retired list is carrying a large number of young officers, and that a large proportion of the deaths occur among those officers who served from 1861 to 1865.

The proportionate rate of deaths among those on the active list and those on the retired list will appear by the following list taken from the Army Register for the years 1890 to 1897, the number on both the active and retired lists being given:

Year.	Active list.			Retired list.		
	Number of men.	Number of deaths.	Deaths per 1,000.	Number of men.	Number of deaths.	Deaths per 100.
1890	2,170	20	11	501	26	5
1891	2,169	38	18	548	31	6½
1892	2,159	14	7	582	33	6½
1893	2,156	22	11	665	28	6½
1894	2,159	17	9	665	32	5½
1895	2,145	22	11	624	25	4
1896	2,148	23	11	653	46	6½
1897	2,164	18	8½	663	46	7½

This list shows the average death rate of those on the retired list to be 6 to 100, while the death rate on the active list shows an average of less than 2 to the 100, and in the nature of human events the death rate is much greater among the older officers who served during the war of the rebellion.

At the same rate of mortality, if no more retirements were made, the entire retired list, so far as relates to this class of officers, would become extinct in about fourteen years. It will not be a great while before all those officers who saw service during the rebellion will have passed beyond the river. These veteran officers are now stricken in years, with increased responsibilities and diminished ability to provide for themselves and families. Many of them have been retired without promotion when within a very few numbers of the head of the list, when a year or two more service would have brought promotion, with increased rank and pay on retirement.

By reference to the Army Register it will be observed that there are 15 majors, 52 captains, and 37 first lieutenants who entered the Army after the close of the war between the States and who never saw field service, but who have been retired, many of whom were promoted over the heads of the gallant officers who served during that war.

That an injustice has been done to these officers and that they are deserving of some relief is admitted on all sides. The Adjutant-General, in his letter of January 25, 1898, speaking on this subject, says:

The officers now in service who might reasonably expect some consideration are those who, notwithstanding long, faithful, and meritorious service, including that rendered in the late war, have not reached a grade higher than that of captain. Congress seems to have recognized such claims by the passage of a number of special bills for the benefit of officers of meritorious service so circumstanced, and many bills for this purpose have been introduced from time to time for the benefit of various officers that have not received favorable consideration. Equity would seem to require that some consideration should be extended to meritorious officers who served during the war and since who, notwithstanding a long active service, have reached only the grade of captain or lieutenant. Some of these have been retired and others are closely verging on retirement, either through disability contracted in the service or on account of the age limit. Some of these officers have received but scant promotion for their merit and length of service and would seem entitled to some consideration above that enjoyed by those of their comrades who have joined the Army since the close of the great contest between the States. Much might be said in favor of so distinguishing and rewarding those having meritorious service during the war and since. Such action would be in line with the custom of most European countries of adding one grade to the rank of an officer of long and distinguished service upon his transfer from the active to the inactive list, which is apt to be a painful transition. I think a bill drawn to reward the captains and lieutenants who are now on the retired list after prolonged active service, including that rendered during the late war through disability contracted in the service, or through retirement on account of age after long, meritorious, and substantially continuous service commencing in the war, might fairly claim some consideration from Congress.

That is an extract from a letter of the Adjutant-General with reference to another bill, not to this bill. That bill provides for something different.

The principle involved in such legislation has received the unqualified indorsement of General Grant, General Sherman, General Sheridan, General Hancock, General Doubleday, General Upton, General Smith, General Gibbon, Secretary of War Ramsey, and others.

It should be borne in mind that the proposed legislation will not increase the number on the retired list. It will only benefit the officers who served

during the war between the States who are now on the retired list, and those on the active list who so served when retired.

The number of deaths during the year 1898 up to December — is as follows:

Active list	72
Retired list	25

There were 2,164 officers on the active list at the beginning of the present year, the percentage of deaths being a little in excess of 3 to the 100, while the retired list, which contains 660, shows the percentage of deaths to be about 4 to the 100, thus showing the percentage of deaths to be greater among retired officers, notwithstanding the fact that the active list has just passed through a war of several months.

Should this measure become a law? There are now on the retired list 162 captains, 61 first lieutenants, and 8 second lieutenants who would be benefited by its provisions, less the number of deaths which have occurred during the past year, and it would require an appropriation of about \$125,000 for the first year. This amount, according to the percentage of deaths among retired officers, will decrease about 12 per cent during the next year, and the percentage will be much larger each succeeding year as the officers grow older, and it will be but a very few years at most when the appropriation would lapse for the want of beneficiaries.

Mr. ALLISON. I should be glad to have the Senator read again the number of officers that would be affected by his amendment and not included by the amendment of the Committee on Military Affairs, and the amount that would be paid to them for the first year.

Mr. TELLER. This was handed to me, as I stated, by an officer whom I know very well, who, after a good many years of arduous service both in the Regular Army and in the Volunteers during the civil war, was retired, and who is receiving now the magnificent sum of \$1,800 a year from the United States, while men with no greater service and no greater claim upon the Government are receiving the pay of a brigadier-general, because they were influential enough or had enough influential friends to promote them to that high office before the time came at which they were compelled to retire. This officer says:

Should this measure—

I suppose he means my amendment, for he was then considering another amendment which is practically the same as mine, except that I have included in mine the thirty years' service provision.

Should this measure become a law, there are now on the retired list 162 captains, 61 first lieutenants, and 8 second lieutenants who would be benefited by its provisions, less the number of deaths which have occurred during the past year, and it would require an appropriation of about \$125,000 for the first year.

Then he says that that, of course, would be a decreasing sum every year. He then says:

It would seem but just and equitable that the action of the Government should be uniform and impartial in the application of general principles to all officers of the Army, and especially so in the case of those officers who served from 1861 to 1865.

It may be added that the number of deaths among officers on the retired list who served during the civil war, during the year 1898, was 37, while the number of deaths among officers on that list who did not serve during that war was only 2, thus showing much greater mortality among those who served during that period than among those who did not so serve.

It may be further added that there are now on the retired list 153 officers who were retired with an increased grade, but who did not serve during the civil war.

Now, Mr. President, I want to know whether this committee are going to stand here and say that the men who have rendered distinguished service and who have held high commands, and because of their disabilities were compelled to get out of office, shall not be provided for, and that those who went as cadets to Westpoint after the war closed and have come in nearly ten years afterwards shall be placed on the retired list with this increased bounty of the Government. If there ever was a just proposition presented to the Senate, it is that these men shall be put upon an equality. If there is anything that is disgraceful to this nation, it is the attempt to give to one class of its soldiers a preference and advantage which their public services and merits do not require, do not demand, and do not justify.

Mr. SEWELL. Will the Senator allow me a moment as to the statement he has just made that there were 158 officers—

Mr. TELLER. One hundred and fifty-three.

Mr. SEWELL. One hundred and fifty-three officers who were not in the civil war who have been retired at an advanced grade?

Mr. TELLER. Yes, with advanced grade; and I have two statements made by two different officers to the same effect.

Mr. SEWELL. I should like to have that statement verified, because I do not know of it. I am sure it does not come from the War Department.

Mr. TELLER. If any man stood at the head of the list of captains and he had not been in the service more than six weeks—that, perhaps, is not probable—but if he had not been more than six weeks at the head of the list of captains he got an additional grade.

Mr. SEWELL. I know the Senator has made that statement, and of course it is honestly made, but where it comes from I do not know—that there were 153 officers who were not in the civil war and who have been retired with higher grade under the operation of law.

Mr. PROCTOR. Will the Senator allow me to answer the question?

Mr. TELLER. Certainly.

Mr. PROCTOR. I know of no class of officers who were retired with this increased grade except under a general law passed some ten years ago, when promotion was exceedingly slow, and when there were first lieutenants who had served over twenty-five years as lieutenants before reaching their captaincies. A law was passed that when a man reached the head of the list and was entitled by his rank to the next promotion, but upon examination it was found that he was physically disqualified for that promotion, he was retired at the advanced grade which he would have received in due course of promotion except for his physical disqualification.

Mr. SEWELL. Then, those men were retired for disability?

Mr. PROCTOR. It was retirement for disability, but I would not suppose that the number could be nearly so large as stated, because I know during my experience it was not often the case.

Mr. TELLER. I will insist that that statement is correct. If the Senator wants to verify it, he can verify it. I have made that statement on the authority of two officers who, distinct from each other, have gone over the record and who are interested in the matter.

Mr. PROCTOR. That is retirement for disability?

Mr. TELLER. It is retirement for disability, of course; but there are men who have had larger service, longer service, and more arduous service, who did not succeed in getting to the head of the list, though they were the superiors in service of the men who secured the advanced grade. One man might get to be a captain in his regiment while another might remain a lieutenant for years.

Mr. SEWELL. I suppose the Senator does not mean to charge that there is any favoritism about that?

Mr. TELLER. Oh, no; I do not mean to charge the committee with any favoritism.

Mr. SEWELL. Or the Department.

Mr. TELLER. I regret that the committee does not see that this is a fair and just thing to do, and does not allow it. It seems to me that there are not two sides to this question.

Mr. President, I want to show how unjust this bill was as it originally came to us, and, if it is changed, it must be by amendment here.

I have here a brief military history of Col. Daniel W. Benham, of the United States Army. He was born in Ohio in 1837 and enlisted early in 1861 to subdue the rebellion. He was honorably discharged after ninety days' service and reenlisted. He was appointed lieutenant, October 18, 1861, and served during the civil war in numerous battles. He entered the Regular Army early in the civil war. He served during that war and after that war. He also served in the Spanish war, and was commended by his officers for excellent service. He likewise served on the frontier. I have here a list of the very numerous battles in which he was engaged. He retired July 23, 1898, and retired just at a time when this bill, after all that service from 1861 to 1898—I do not know whether purposely or not—leaves him out.

A gentleman has sent me this:

Some officers of my acquaintance retired after thirty years' service (section 1243 R. S.), because the hard service they had performed, together with the unhealthy climates where they had been stationed, had impaired their health and made them unable to perform field duty. They could have gone before a board and been retired for disability, when they would have received the benefits of the amendment, but they supposed it to be as honorable to retire under one law as another.

That does not come from the gentleman whose case I have particularly mentioned who had such arduous service on the frontier.

Mr. President, I know something about these Army officers on the frontier. Amongst my acquaintances is an officer who is a captain yet. I do not know how long it will be before he will be anything more than a captain—at least, I have not heard of his being promoted. He will be promoted whenever his major dies or whenever his major gets out of the Army, and he will not be promoted until that occurs. This officer has served in all the Indian wars for thirty years. He has served from the very extreme northern part of the United States to the extreme southern part, and I have had occasion to know of his service in the West for many years. When he retires he will undoubtedly retire as a captain, because he is unfortunate enough to have a long-lived officer ahead of him, which prevents his promotion.

Mr. President, I am going to call the attention of the Senate to certain cases, because I am afraid if I do not the Senator from Vermont will rather question some of my suggestions that you have some young men on the retired list. I do not mean to say that they ought not to be there, but they ought not to be there ahead of other people. On page 217 of the Army Register amongst those retired from active service I find John O. Skinner, who entered the Army in 1874. You will find by going down the line a gentleman who entered as cadet July 1, 1860, and so of course did not see much of the civil war, coming out in 1864, and who is on the retired list as a major. If you go down to the bottom of the list, you will find a gentleman there who entered the Army in 1861, served until 1865, then went to Westpoint and was graduated

there, and has been retired as a major. He did not have anybody who could secure his nomination as a lieutenant-colonel or colonel and then as a brigadier.

Mr. President, you will find on page 216 of the Register the name of Robert Craig, who entered Westpoint in July, 1862, and of course did not graduate until after the war was over. He retired as a lieutenant-colonel.

Mr. SEWELL. How many years did he serve?

Mr. TELLER. I am not finding any fault with it, but what I am complaining of is the inequality, that men who served longer than he did are retired at a lower rank and are denied this additional rank.

Mr. SEWELL. It has often occurred that there have been casualties in the artillery or the infantry or the cavalry branch during our Indian wars by which certain officers got ahead considerably faster.

Mr. TELLER. We all know that promotion is almost an accident. One man drops out and another one immediately succeeds him. Sometimes the vacancy is caused by death and sometimes by resignation, sometimes by sickness, sometimes by the fate of battle.

Mr. SEWELL. That is absolutely so.

Mr. TELLER. It is not a question of favoritism in promotion. There is not any there except when you reach the line of colonel. When 13 men were taken and put into the position of brigadier-general for the express purpose of being given the increased grade, I voted for the confirmation of every one of them, and was glad to do it. There were more than that—15.

Mr. SEWELL. I will say to the Senator that that was done, as he knows very well, because they were the oldest colonels in the service, and they were incapacitated as colonels practically by reason of their age. They were just going out, and they were given a chance of retirement to allow younger men to come into the commands.

Mr. TELLER. As I said to the Senator, I make no complaint. It was a wise and just thing to do.

Mr. SEWELL. It was done by the deliberate action of the Senate.

Mr. TELLER. Certainly; and thereby we said we want to reward these people. Now, I say you should not confine your reward to the colonels. The captain who would have been a colonel if he had not been disabled by the shot and shell of the enemy ought to be just as much under our care as the men who secured safety from the enemy and rose gradually, not to a place higher than he deserved, and perhaps not so high, and became a colonel. You take special care of him and have no care about the captain or lieutenant. That is what I complain of. In my judgment, this bill works an injustice upon very meritorious men. It is not an equitable bill in that particular, and this feature of it ought to be amended so that it shall take in these other people. I do not believe the American people will complain or criticize anybody who votes to put upon the Government of the United States an additional tax of \$125,000 or \$150,000 a year to do justice to these men.

Everybody knows that the civil war, unlike the last war with Spain, was a continuous war. There were men in the Army who fought every day, day by day, day by day, longer than the whole Spanish war lasted. Every day they were under fire and every night they were sleeping on the battlefield. There was in the history of the world no such war. For courage, for endurance, the world presented no parallel, simply because it was a fight between the great, vigorous Anglo-Saxons. It was a fight at home among our own people. You can not in modern times show battles like we fought during the civil war, both sides contending, not surrendering when fifteen or twenty of the regiment were killed, surrendering only when the great majority in many instances went down. There are instances in the war on both sides where a regiment was practically decimated and destroyed, rendered incapable almost of organization. I read the other day of a North Carolina regiment where practically every man in one of the companies, which held an important point, was either killed or wounded. That is the kind of men who were fighting in that war, and you are going to take care of the men who served a few days in the Spanish war and forget the men who fought during the great civil war, and demonstrated, as it had never been demonstrated before, the fighting character of the American race.

Mr. President, we are asking nothing but justice at the hands of the Government of the United States for these men, and we are asking it with full confidence, as I believe, that the American people will approve of what we will do in this particular. I do hope that the committee will not compel us to call the roll upon this, but will generously say that this amendment may be made and these worthy and deserving men may be taken care of in their old age.

Mr. PROCTOR. Mr. President, I do not propose to reply or to undertake to reply to what I consider the very unjust aspersion of the Senator from Colorado upon the War Department in regard to the preparation of this bill. It has not been prepared by the

War Department any more than every such bill must be. We have looked to them for the facts. The committee took the bill that came to us from the House as a substitute or an amendment in that form for our bill of last winter. That is what they worked upon, and not the War Department bill. I wish to say for the work of the War Department that it has not been in the least respect one that favored any class, but that it has been conspicuously and remarkably impartial, not favoring any class, not favoring any staff department at the expense of another, but seeking to do, as no bill in my knowledge of War Department matters ever has, equal and impartial justice, giving each class as near as possible an equal opportunity for promotion.

Now, in regard to this measure, I have received many letters of the same tenor, some of them identical with those read by the Senator, from the same parties, and, without committing the members of the committee, I presume individually they would be glad to see all promotion given to those officers who served in the civil war that could be consistently given. Most of the members of the committee served in the civil war on one side or the other. I wish to have the Senate understand what they are doing by this. They are practically giving this increased grade to all officers who served in the civil war and who have been discharged for any reason.

The Senator gave the number on the retired list. There are two retired lists, the limited and the unlimited. I think he must have given only the limited list. I have not been able to get the figures, but in the Army Register the two lists occupy 81 pages and a fraction, and in running it over as carefully as I could I should think there must be 10 names on each page, and nearly all of them, except those who have already been retired with the rank of brigadier-general or with an increased grade, would come under this bill. I think it would add at least five or six hundred to the retired list. It would practically wipe out the limited list and put them all on the unlimited list.

What the Senator from Colorado said is very true—that there are a great many individuals who deserve this. I should be glad to have them have it. It is impossible to frame a general law of this kind that will not, unless we include everybody, exclude some whom we would be glad to include. The provision as reported by the Senate committee had been rejected from the House bill on the floor of the House. I think it is proper to state that fact. The Senate committee felt as though this was as far it was judicious to go at this time, but if the Senate choose to go further, I personally have no objection to make. I simply wish to have the Senate see how far they are going.

Mr. TELLER. I desire to say to the Senator that I am not mistaken about the retired list. When you take out the people who have already received this bounty, the list will be practically as I have stated.

Mr. COCKRELL. How many?

Mr. TELLER. I read it. I looked it over with the gentleman.

Mr. SEWELL. I will say to the Senator from Vermont, if he will allow me, with the permission of the Senator from Colorado, that while I was ordered to report this adversely, I have not done so, because I wanted to hear his argument on the subject. I am perfectly willing to-day, so far as I am individually concerned, if the remainder of the committee will consider it, to let the matter go over until to-morrow and until we get more information from the Department as to this list.

Mr. TELLER. Let it go over until to-morrow.

Mr. COCKRELL. I hope the committee will get the statement of the War Department.

Mr. ALLISON. If this is going over until to-morrow, I hope that somebody connected with the committee will give us an accurate statement, or as nearly accurate as possible, as respects how many officers this will embrace, so as to verify what has already been stated by the Senator from Colorado. I find that the appropriation for retired pay of officers of the Army for last year was \$1,273,000.

Mr. COCKRELL. Yes; and it will be very much larger.

Mr. ALLISON. So this involves in the neighborhood of a very considerable sum.

Mr. COCKRELL. It will soon be nearly as large as the active list.

Mr. ALLISON. I wish to ascertain, before I vote for this amendment, what it will require in the way of payment. Without discussing the question now, I think there is as much justice in the Senator's amendment as there is in the provision as it stands here.

Mr. PENROSE. I desire to offer an amendment to the bill as an original section or to be inserted where it may be more properly placed.

The PRESIDENT pro tempore. The Senator from Pennsylvania offers an amendment. Does he desire to have it read?

Mr. PENROSE. Yes.

The PRESIDENT pro tempore. It will be read.

Mr. PENROSE. I asked for its present consideration.

The PRESIDENT pro tempore. That can not be done. It will be read, printed, and lie on the table. That is all that can be done.

Mr. PLATT of Connecticut. It has been printed.

Mr. PENROSE. I ask unanimous consent to have it considered now. I do not think there will be any objection to it. I have to leave the city this afternoon to be gone for several days. I ask to have it read and, if there is no objection, to have it considered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent for the present consideration of an amendment which he has offered to the bill.

Mr. PROCTOR. Let it be read.

Mr. PENROSE. My recollection is that it is an amendment which has been printed.

The PRESIDENT pro tempore. It has been printed. It will be read to the Senate for its information.

The SECRETARY. After section 41 it is proposed to insert:

SEC. 42. That the distinctive badges adopted by military societies of men "who served in the armies and navies of the United States during the Spanish-American war and the incident insurrection in the Philippines" may be worn upon all occasions of ceremony by officers and men of the Army and Navy of the United States who are members of said organizations in their own right.

Mr. PLATT of Connecticut. I should like to inquire whether there is any law against it now.

Mr. PENROSE. The purpose is to remove the discrimination which now exists in favor of the officers of the Regular Army, by giving official recognition to the wearing of such decorations by volunteer officers. I may be wrong, but that is the information given to me when I was requested to introduce the amendment.

Mr. HAWLEY. I see no harm in it, but I do not see any absolute necessity for it. It seems to me those who are now out of the military service can wear the badges they please.

Mr. ALLISON. What is the rule as to those who served in the civil war?

Mr. HAWLEY. Societies?

Mr. ALLISON. Yes.

Mr. HAWLEY. They are so authorized.

Mr. ALLISON. By law?

Mr. HAWLEY. I think so.

Mr. PENROSE. This is simply to remove an unfair discrimination against volunteer officers. It is an amendment requested by every volunteer in the recent Spanish-American war.

The PRESIDENT pro tempore. Is there objection to its consideration now? The Chair hears none, and the amendment is before the Senate.

Mr. ALLISON. I desire to ask the Senator from Pennsylvania whether the soldiers of the civil war are now authorized by law to wear such badges? If they are, we ought to apply the same rule to these soldiers. If they are not, I do not see any occasion for the amendment.

Mr. PENROSE. I am under the impression that the soldiers of the civil war are so permitted, but I could not answer the Senator positively on that point. I know, however, that the soldiers of the Regular Army are so permitted, and their decorations are recognized by law, and if the veterans of the civil war are not so officially recognized, I will cheerfully permit an amendment to extend the scope of this amendment to them.

Mr. ALLISON. It ought to be.

Mr. HAWLEY. The members of the Military Order of the Loyal Legion, composed of officers, are authorized to wear badges.

Mr. ALLISON. By law?

Mr. HAWLEY. By law, I think.

Mr. PROCTOR. And the Grand Army of the Republic?

Mr. HAWLEY. And the Grand Army of the Republic. It is protected by existing law.

Mr. ALLISON. All right.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. PENROSE. Now I ask the same favor of the Senate, as I have to leave the city in an hour. I ask consideration for the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert as an additional section, the following:

That the Secretary of War is hereby authorized and directed to have suitable medals of honor struck, to be presented to the volunteers, regulars, sailors, and marines who voluntarily remained on duty in the Philippines after their terms of service had expired, and for this purpose a sum sufficient is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. PENROSE. I offer the amendment in accordance with the message of the President recommending this legislation.

The PRESIDENT pro tempore. Is there objection to considering the amendment now?

Mr. PROCTOR. I should like the amendment to lie over.

The PRESIDENT pro tempore. There is objection.

Mr. HAWLEY. The Committee on Military Affairs will have a meeting in the morning, and we can settle it very easily.

Mr. PENROSE. All right. I only asked for its consideration because I shall not be present. If the chairman of the committee will see that it is brought up, I shall not press it now.

Mr. HAWLEY. We will have it considered.

Mr. PENROSE. I offer another amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Pennsylvania will be stated.

The SECRETARY. It is proposed to insert as additional sections the following:

SEC. —. That any person or persons or employee of any corporation or company who shall in any manner place upon or attach to, or cause to be in any manner placed upon or attached to, the flag or coat of arms of the United States, or any imitation or representation thereof, any advertisement, trade-mark, label, inscription, words, design, or device, or any representation of any person or thing, or who shall exhibit, or display, or sell, or cause to be exhibited, displayed, or sold, or who shall hold in possession for exhibition, display, or sale, the flag or coat of arms of the United States, or any imitation or representation thereof whereon is placed, or to which is attached, any such advertisement, trade-mark, label, inscription, words, design, or device, or any representation of any person or thing, shall be deemed guilty of a misdemeanor: *Provided*, That a national or State regiment or Grand Army post shall have the right to put upon the flag the name and number of such regiment or post.

SEC. —. Any person or persons, or employees of any corporation, or company, who shall imitate or represent, or cause to be imitated or represented, the flag or coat of arms of the United States as an advertisement, trade-mark, label, or device for exclusive or personal advantage, gain, or profit upon any material, article, goods, or merchandise, or who shall exhibit, display, or sell, or cause to be exhibited, displayed, or sold, or who shall hold in possession for exhibition, display, or sale, any material, article, goods, or merchandise, bearing, in any manner, any imitation or representation of the flag or coat of arms of the United States as an advertisement, trade-mark, label, or device for exclusive or personal advantage, gain, or profit, shall be deemed guilty of a misdemeanor: *Provided, however*, That the devices now attached to the representation of the flag of the United States and used by the Grand Army of the Republic as the badge of their order may continue to be so used by them: *Provided further*, That any person, persons, or corporations now holding a copyright or trade-mark issued by the Librarian of Congress or Patent Commissioner upon which is the national flag shall cease using the same, and may have a new trade-mark in its place, of same design without said flag, or a new one in its stead, free of Government fee.

SEC. —. Any person or persons who shall tear down, trample upon, or treat with indignity, wantonly deface, or destroy the flag or coat of arms of the United States, or any imitation or representation thereof, shall be deemed guilty of a misdemeanor.

SEC. —. That any person or the employees of any corporation or company violating any provisions of sections — — of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$100 for the first offense and \$500 for each subsequent offense.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDENT pro tempore. Is there objection to the present consideration of the amendment?

Mr. PLATT of Connecticut. I rose for the purpose of making an objection, and I should like to state the reasons why I make it. That subject has nothing to do with the Army reorganization. It is entirely an independent matter. It is a matter which has given rise to a good deal of discussion as to the proper bill which should be passed to prevent what is called the desecration of the flag. It has to be very carefully considered. I do not think there is any proper time for it to be considered now, nor do I think it is in order on this bill. Therefore I object.

Mr. PENROSE. If I may be permitted by unanimous consent, I will state that there are several bills to this effect pending in the Senate. Congress has been about fifteen years holding under consideration the subject of flag legislation and has accomplished nothing practical. According to military regulations every private and every officer is compelled to salute the American flag. It is part of the military regulations. It seems to me it is pertinent to this measure that it should be protected from desecration and from being used for commercial and advertising purposes.

I know that this legislation is overwhelmingly demanded by the patriotic sentiment of this country and is particularly demanded by the soldiers of the late Spanish-American war. If there is any bill at all in which it can be properly inserted, it is the present measure. It is unpopular in some sections of the country, and to insert this item, instead of hurting the bill, in my opinion would greatly strengthen it. It would be an assertion before the whole country that this army is for the usual purposes of patriotic national defense, not for the sordid purposes which have been attributed to it by those opposed to the creation of a standing army of this size. It seems to me that the wisest thing the Senate could do would be to insert this amendment.

As to the details of the amendment, I have taken the bills introduced by the senior Senator from North Dakota [Mr. HANSBROUGH] and the junior Senator from Wisconsin [Mr. QUARLES], and I have carefully compiled the amendment from those two bills, one of the bills containing certain provisions which the other omitted. So I believe that it is a well-considered and a carefully worded piece of legislation. I hope the Senate will adopt it.

The PRESIDENT pro tempore. Objection being made, the amendment is not now before the Senate. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The Chair is informed that that is the end of the committee amendments.

Mr. PENROSE. I offer an amendment to the pending bill,

which I ask to have printed and referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. The amendment will be printed and referred as requested.

Mr. ALLISON. What was the amendment just agreed to?

The PRESIDENT pro tempore. Section 31 as amended.

Mr. ALLISON. That does not preclude other amendments?

Mr. COCKRELL. It was passed over until to-morrow.

Mr. ALLISON. I thought it was to go over until to-morrow.

The PRESIDENT pro tempore. The present occupant of the chair was not present when any such agreement was made.

Mr. ALLISON. The Senator from Colorado, or, I believe, the Senator from New Jersey, asked that the amendment might go over until to-morrow to secure some additional information.

Mr. SEWELL. Yes; in order to get information from the Department, which I have sent for.

The PRESIDENT pro tempore. The committee desired it to go over?

Mr. ALLISON. That was my understanding.

The PRESIDENT pro tempore. Then it will go over.

Mr. SEWELL. I ask, then, what other amendments are pending?

The PRESIDENT pro tempore. There is no other committee amendment apparently. The Chair lays before the Senate an amendment offered by the Senator from New Jersey [Mr. SEWELL], which will be read.

The SECRETARY. Amendment intended to be proposed by Mr. SEWELL. On page 40, after line 11, insert:

That the President is hereby authorized to select from the retired list of the Army an officer not above the rank of brigadier-general who may have distinguished himself during the war with Spain, in command of a separate army, and to appoint, by and with the advice and consent of the Senate, the officer so selected to be major-general, United States Army, with the pay and allowances established by law for officers of that grade on the retired list.

Mr. SEWELL. I ask the Senator from Virginia [Mr. DANIEL] if he has offered his amendment?

Mr. DANIEL. I beg leave to state that my amendment is on the Clerk's desk. It was offered with the understanding that it would be brought up at the proper time, and I will call it up now.

Mr. SEWELL. I think that should be done.

The PRESIDENT pro tempore. The Chair was laying the amendments before the Senate in the order in which they were offered in the Senate, in order to prevent confusion.

Mr. DANIEL. I will offer my amendment, then, as an amendment to this amendment. I move to amend the amendment offered by the Senator from New Jersey by adding what will be read.

Mr. SEWELL. I intended to offer my amendment as an amendment to the amendment of the Senator from Virginia.

Mr. DANIEL. I will then offer mine to come before the words the Senator has proposed. It will be the same in effect.

The PRESIDENT pro tempore. The Senator from Virginia offers an amendment to the amendment proposed by the Senator from New Jersey.

The SECRETARY. Insert, to precede the amendment offered by Mr. SEWELL, the following:

Any officer or enlisted man of volunteers—

Mr. DANIEL. That is a mistake, if you please. The Clerk is reading the wrong amendment. It was an amendment offered about three days ago, and it was printed.

Mr. SEWELL. I have a copy of the amendment here.

Mr. DANIEL. Will the Senator kindly send it to the desk?

The SECRETARY. On page 40, after line 11, insert:

The President of the United States is hereby authorized to select from the brigadier-generals of volunteers two volunteer officers, without regard to age, and appoint them brigadier-generals, United States Army, for the purpose of placing them on the retired list.

Mr. PETTIGREW. I should like to know what the purpose of the amendment is. Will the Senator explain it?

Mr. DANIEL. I beg leave to state that this amendment was offered on consultation with a number of members of this body with a view to giving an opportunity to the President of the United States to appoint General Wilson and Gen. Fitzhugh Lee brigadier-generals in the Regular Army.

Mr. PLATT of Connecticut. And to retire them?

Mr. DANIEL. And to retire them. They are the two persons the friends of the amendment have in view, but of course it leaves it in the power of the President to appoint any two he pleases.

Mr. PETTIGREW. What battles were these generals in?

Mr. DANIEL. The Senator can read the Spanish war history for himself. I am not here to give general information that is in the possession of everybody.

Mr. PETTIGREW. If I should read it, my question would not be answered.

Mr. DANIEL. I think that is the reason why the Senator asked it. It is obvious that he asked it on that account.

Mr. SEWELL. I will state that as far as one of these officers is concerned he was in the battles of the civil war and was one

of the most distinguished cavalry officers we had. The other you all know, a man who bore his saber on the other side, but who did immense service to this country while serving in Cuba as a civil officer, and who was practically selected to command and lead the attack on Habana when it should come about. I do not know of anything more meritorious than the services of Fitzhugh Lee in connection with the Spanish war, and as far as General Wilson is concerned there was no finer soldier in the service.

Now, Mr. President, I move to amend by adding to the amendment of the Senator from Virginia the amendment offered by me. The PRESIDENT pro tempore. This was offered by the Senator from Virginia as an amendment to the one which was pending offered by the Senator from New Jersey.

Mr. SEWELL. I thought it was the reverse.

The PRESIDENT pro tempore. The language would have to be changed a little perhaps. This is the present one: "The President is hereby authorized," etc., and the amendment of the Senator from New Jersey is "that the President is hereby authorized." I suppose it should read "and the President is also hereby authorized."

Mr. SEWELL. Let it read "and the President is also hereby authorized."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Virginia [Mr. DANIEL].

Mr. BATE. Let the amendment be read.

The PRESIDENT pro tempore. It will be again read.

The Secretary read as follows:

The President of the United States is hereby authorized to select from the brigadier-generals of volunteers two volunteer officers, without regard to age, and appoint them brigadier-generals, United States Army, for the purpose of placing them on the retired list.

Mr. PETTIGREW. Mr. President, as I can not find anything in the history of the Spanish war which shows that these generals were in any battle, and therefore can not secure an answer to my question in that way, I should like to make a still further inquiry. I should like to know why promotions can not be made without a special act of Congress?

Mr. DANIEL. I will explain that to the Senator. Both of these generals are above the age for appointment in the Regular Army. It is on account of age that a special act is asked.

Mr. PETTIGREW. Suppose they were within the age, could they still be appointed?

Mr. DANIEL. They could then be appointed brigadier-generals in the Regular Army.

Mr. PETTIGREW. And there is no statute which makes any difficulty in that direction? How is it with regard to promotions? I notice that whenever an effort is made to promote a soldier who has not been in any battle they come here; and Congress never promotes anyone except those who have not done any fighting. That has been the case during the Spanish war, at least. I think we have had three promotions by act of Congress of three men who were in no battle.

I suppose promotions can be had, if a man was in battle, for meritorious service, even over the heads of the others; but if that man has not been in any fighting I understand he can not under existing law be promoted over the heads of those who have served longer.

Mr. SEWELL. Will the Senator allow me to call his attention to the case of General Wheeler, a man who, utterly used up physically, got in an ambulance to go to the front at the battle of San Juan?

Mr. PETTIGREW. I was referring to promotions in the Regular Army.

Mr. SEWELL. He has been promoted. He was one of this class. Wheeler, Fitzhugh Lee, Wilson, and myself were appointed major-generals. I, unfortunately, did not go, for reasons known to the Senate, but the other three were the distinguished men on both sides, North and South, who were selected and who did go and who did do everything that it was possible for men to do under the circumstances.

Mr. PROCTOR. Mr. President, I had an opportunity to see one of these officers, General Lee, at the critical time just before the outbreak of the Spanish war. He was serving as consul-general in Habana, and in my opinion was in as much danger every day as he would have been in the ordinary battles of a war. He stood up manfully, a good, strong American, and I think he richly deserves, if he had not served at all, for his services there this promotion, for he is a true, good soldier. When he was in the service, I presume for good reasons he was not given the command over the city of Habana, where he had been, where he was well known and knew the people. Naturally he would have been disappointed, but he took service outside, and there was never one word of fault-finding on his part; but he took pride in his command and he bore the disappointment like a true soldier. I think he richly deserves this promotion.

Mr. PETTIGREW. Mr. President, I do not wish to be understood as throwing any slight whatever upon General Lee or Gen-

eral Wilson. I think they are excellent generals; but it does seem to me that these positions ought to go to the men who see service, and by that I mean who have won their right to the promotion by the danger they have run on the field of battle, and that the practice is a pernicious one for Congress to step in and interfere and place those who did not do the fighting over the heads of those who did.

Mr. TELLER. I wish to ask what is the difficulty that is to be met by the amendment of the Senator from New Jersey. Is it because there is no major-general who can be appointed?

Mr. SEWELL. I wish to say to the Senator from Colorado that the amendment introduced by me covers the case of the most deserving soldier we know of.

Mr. TELLER. I did not ask who it was; I thought I knew. But there is no vacancy.

Mr. SEWELL. He is the man who in a few days conquered the Spanish nation, the man who has even not had a brevet, the man who above all others in this country ought to be rewarded. They are all gallant people. The American soldier is gallant under any and all circumstances, and so is the sailor.

Mr. TELLER. The Senator does not understand my inquiry.

Mr. SEWELL. I beg pardon.

Mr. TELLER. I did not ask who it was; I thought I knew. What I wanted to know is the difficulty. Is there no vacancy he can be put in? That is what I mean.

Mr. SEWELL. He is retired now as a brigadier-general. I want to have him made a major-general on the retired list.

Mr. TELLER. He is retired already as a brigadier-general?

Mr. SEWELL. Yes; as a brigadier. He is a major-general of volunteers, to be mustered out on the 30th of June, but he is retired from the Regular Army.

Mr. TELLER. This proposition is to create a major-generalship and put him in it?

Mr. SEWELL. On the retired list.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. DANIEL].

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from New Jersey [Mr. SEWELL] offers an amendment to follow the amendment of the Senator from Virginia, which will be read.

The Secretary read as follows:

And the President is also authorized to select from the retired list of the Army an officer not above the rank of brigadier-general who may have distinguished himself during the war with Spain, in command of a separate army, and to appoint, by and with the advice and consent of the Senate, the officer so selected to be major-general, United States Army, with the pay and allowances established by law for officers of that grade on the retired list.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New Jersey, which has just been read.

Mr. PETTIGREW. Mr. President, as I understand it, this is for the purpose of promoting General Shafter, an officer of the Regular Army, and therefore the same reason can not be urged that was urged in favor of the other two officers. I suppose this is done because of the fact that he was in command at Santiago, and I am sure there is nothing I can find in the history of that contest which justifies Congress in making an exception in this case.

Therefore I am opposed to the amendment. I am opposed to this method of promoting people. We are quite liable to take people who have not done any fighting and promote them, or to promote people and give them credit for that fighting which was done by somebody else. This would be a case of the latter, because at Santiago the fighting was not done by Shafter. It was done by Wheeler. It was done by other officers in spite of Shafter, as I understand it. It seems to me to promote him over the other officers of the Army, and to have Congress do it, and confer special distinction for honor that was not won and service that was not rendered is a pernicious practice. It is a practice of favoritism, and it ought not to be adopted. No such further precedent should be established.

I am well aware it is not pleasant to urge these objections; but if I read the history of the Santiago campaign correctly, there is nothing in it that entitles General Shafter to promotion.

Mr. WELLINGTON. Will the Senator from South Dakota allow me a question?

Mr. PETTIGREW. Certainly.

Mr. WELLINGTON. Was not about the only action worthy of note in the campaign at Santiago the naval battle fought in the bay?

Mr. PETTIGREW. I have here an account of the battle of Santiago which, it seems to me, discloses to whose credit it is due, and it certainly is not to General Shafter. The battle fought by the Navy in the bay was a brilliant affair. The conduct of our troops at Santiago was as fine as the conduct of American troops always is, and the charge that they made is a brilliant one and sustains the reputation of the American soldier as unsurpassed

by any other soldier in the world. But there is not one line that I can find which would give Shafter a particle of credit. It seems to me to be a bare matter of favoritism that this sort of thing is allowed and we permit this amendment to be adopted.

I ask the Secretary to read the most authentic history of the battle of Santiago extant.

Mr. GALLINGER. Who is the author of the book?

Mr. BACON. Will the Senator please state by whom it is written?

Mr. PETTIGREW. It is Senator LODGE's account of the battle of Santiago.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

But these reflections did not help matters at El Caney that July morning; and the feeble battery, the slow fire, and the target smoke soon disposed of the pleasant headquarters plan of taking the village in the course of an hour. There was nine hours' savage work ahead before the desired consummation could be reached. The Spaniards, although without artillery or siege guns, numbered about 800 men; were entirely protected and under cover in a stone fort, rifle pits, and strong blockhouses; knew perfectly and accurately all the ranges; could not retreat without rushing on destruction after our troops surrounded them—a sharp incentive to desperate resistance. So, while the slow artillery fire went on, the infantry began to suffer seriously from the deadly Spanish fire. They worked their way forward, creeping from point to point, but it was very slow and equally costly. At half past 1 the situation looked badly. The Americans were holding their own, but losing far more heavily than the Spaniards. An order from General Shafter at this moment to neglect El Caney and move to the assistance of the troops at San Juan must have seemed like a grim satire, and was disregarded.

But the evil hour had really passed. The artillery fire was quickened, and the fort began at last to go rapidly to pieces under the steady pounding. Colonel Miles's brigade joined General Ludlow in pressing the attack on the south; and then at last General Chaffee, whose men had been enduring the brunt of the fight, gave the order to storm, and the Twelfth Regiment sprang forward at the word, eager for the charge. Up the ravine they went to the east side, then swung to the right, broke through the wire fences, rushed upward to the top of the hill, and the fort was theirs. The enemy who had fought so stubbornly at rifle range could not stand the American rush; they had no desire to be taken "by the bare hands." The price paid had been heavy, but the dearly bought fort, in the words of an eyewitness, was "floored with dead Spaniards;" a gruesome sight. Yet, even as the wild cheers went up, it was seen that they were still exposed, and a heavy fire came from the blockhouses. Lining up in the fort the Americans poured volley after volley into these other strongholds, and the other brigades pressing home their charge the Spanish gave way, even retreat seeming less hopeless now than resistance, and fled from the village, dropping fast as they went under the shots of Ludlow's men. By 4 o'clock the firing had died away, and El Caney, at a cost which proper artillery would have greatly reduced, had been won by the unyielding, patient gallantry of the American regular infantry.

The Spaniards had less than a thousand men at El Caney, but they were under cover, strongly fortified, and knew the ranges. Shut in, desperate, and almost surrounded as they were, they appeared at their best, and fought with a stubborn courage and an indifference to danger which recall the defense of Saragossa and Gerona. Worthless as the Spanish soldiers have too often shown themselves to be, behind defenses and penned in by enemies, they have displayed a fortitude worthy of the days, three centuries ago, when the infantry of Spain was thought the finest in Europe. Of this tradition El Caney offered a fresh and brilliant illustration. The Spaniards lost nearly 500 men in killed, wounded, and prisoners, much more than half their number, and among the killed was the commander, General Vara del Rey, his brother, and two of his sons. On the American side the killed numbered 4 officers and 84 men; the wounded 24 officers and 332 men—the loss falling chiefly on Ludlow's and Chaffee's brigades, comprising the 4,000 men who were actively engaged throughout the day.

The force was composed entirely of regulars, with the exception of the Second Massachusetts Regiment, in Ludlow's brigade. These volunteers, never in action before, behaved extremely well, coming up steadily under fire and taking their place in the firing line. But the moment they opened with their archaic Springfield and black powder, which they owed to the narrow parsimony of Congress and to the lack of energy and efficiency in the system of the War Department, they became not only an easy mark for the Spanish Mausers, but made the position of more peril to all the other troops. In consequence of this they had to be withdrawn from the firing line, but not until they had suffered severely and displayed an excellent courage. The lack of artillery and the black powder made the assault on El Caney a work to which infantry should not have been forced. Yet they were forced to it, and supported by only four guns, but, splendidly led by Lawton, Chaffee, and Ludlow, they carried the position at heavy cost by sheer courage, discipline, and good fighting, manifesting these great qualities in a high degree, and one worthy of very lasting honor and remembrance.

Lawton and Chaffee and Ludlow had gone to El Caney with a well-defined purpose; but it is difficult, even after the most careful study and repeated reading of the official reports, to detect any plan whatever in the movements of the rest of the army. The troops had been moved up the narrow trail the night before, and at 7 in the morning Captain Grimes's battery opened from El Pozo Hill. Black powder again, and a magnificent target, so that the Cubans in the farmhouse, Rough Riders in the yard, and the First and Tenth Cavalry, all thoughtfully massed by some one in the immediate neighborhood of the battery, where they could be most easily hit, began to suffer severely. Then the two brigades of the cavalry division under General Sumner—the First, commanded by Colonel (now General) Wood, leading—moved down the road to Santiago. When the Rough Riders reached the ford of the San Juan they crossed and deployed in good order. Then a captive observation balloon was brought along and anchored at the ford where the troops were crossing and were massed in the road. As one reads the official statement of this fact comment and criticism alike fail. That such a thing should have been done seems incredible. The balloon simply served to give the Spaniards a perfect mark and draw all the rifle and artillery fire to the precise point where our men were densely crowded in a narrow road.

Fortunately the balloon was quickly destroyed by the enemy's fire; but it had given the place and the range, and there the troops remained for nearly an hour, exposed to heavy fire from the forts and blockhouse, and from guerrillas in trees, who here and elsewhere devoted themselves especially to picking off surgeons, wounded men, and Red Cross nurses. There the men stayed, dropping under the shots of the Spaniards, able to do nothing, waiting orders. No orders from headquarters came; the situation was intolerable; retreat meant not only defeat but useless and continual exposure to a slaughtering fire. No other resource remained except to take rifle in hand and, with infantry alone, carry strong intrenchments and blockhouses defended by well-covered regulars supported by artillery. Still no orders, and at last the

division, brigade, and regimental commanders acted and ordered for themselves. Colonel Roosevelt led his Rough Riders forward from the woods, and asking the men of the Ninth to let him pass through, the regiment of regulars rose and followed him, and then the whole cavalry division went out and on up the first hill, where there was a red-roofed farm house, whence they drove the enemy.

A pause here, a taking breath, exposed all the time to a heavy fire from the strong main intrenchments now in plain view. Again Colonel Roosevelt calls on his men, starts, comes back because they had not heard, and off they go again over the long, open space, more than half a mile, which separates them from the Spanish post. The line of blue figures looks very thin and very sparse to those who are watching it. It seems to move very slowly. But it is moving all the time. Men stagger and drop, but the line goes on and up. It nears the top, the Spaniards break and run, and the cavalry division—six regiments—all mingled now, finds itself with the heights carried and the intrenchments on the right in its firm but tired grasp. With it has gone the Gatling battery under Captain Parker, who, in really splendid fashion, has kept his guns right at the front—a powerful ally and support in these trying moments. Colonel Roosevelt, who rode at first, has left his horse at a wire fence, and now finds himself the senior officer present and in command of all that is left of the six gallant regiments, having led dauntlessly and unhurt one of the most brilliant charges in our history.

Mr. CARTER. Mr. President, I desire to ask the Senator from South Dakota if it is his intention to have this book printed as a document after having it read?

Mr. PETTIGREW. I will yield to a motion to that effect by the Senator from Montana if he desires to make it.

Mr. SPOONER. Would not that violate the copyright? [Laughter.]

Mr. PETTIGREW. Of course, if the Senator from Montana wants it in that form, I have no objection at all. It is a very good book, I want to say. I should like to have the remainder of the chapter read. It is not much longer. I want to have read the comments of the Senator from Massachusetts on the battle, which come later.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). If there be no objection, the Secretary will continue the reading.

The Secretary resumed and concluded the reading, as follows:

Meantime over on the left the regular infantry are repeating against the fort of San Juan—the strongest of all the Spanish positions, and on a larger scale—the splendid work of the dismounted cavalry. This division, consisting of eight regiments of regulars and one of volunteers, was admirably commanded and led by General Kent. They moved up the road on the afternoon of June 30, and started again early on the next morning as soon as Captain Grimes's battery opened at El Pozo, with the First Brigade, under General Hawkins, in the lead. Their orders were to keep their right on the main road to Santiago. They, too, were held back by the crowd in the narrow trail, and still further delayed by waiting for the passage of the cavalry division, who were given the right of way. As they began at last to advance slowly they, too, came under the Spanish fire; they, too, received the punishment brought upon the army by the luckless balloon, and thus crowded together, at a halt almost, suffered severely.

The enemy's fire steadily increased; the shrapnel poured in where the balloon had marked the position, and the sharpshooters in the trees busied themselves, as they were doing already with the cavalry division. General Kent attempted to send the Seventy-first New York through a bypath, so as to bring them out in their proper position with the First Brigade, but when they came under the heavy fire of the enemy the first battalion broke, and were only held from a panic by the exertions of General Kent's staff officers. The other two battalions remained steady, for the regiment was of first-rate material, and the trouble arose from their being badly officered, and besides being endowed with a colonel who apparently did not come onto the field of action. In the end they rallied, and many went forward in the final charge with the regulars, notably the company under the gallant lead of Captain Rafferty. But at the moment the confusion in the New York regiment still further checked the already impeded advance. The First Brigade had gone on without the volunteers, and the Third Regiment was hurried forward by General Kent into the blocked road, and finally pushed through the New York regiment. As they came out and crossed the lower ford, Colonel Wikoff was killed, and two lieutenant-colonels who succeeded him in command of the brigade were quickly shot down—all in the course of ten minutes. Yet nothing could shake the nerve or break the discipline of this splendid brigade.

Following orders, making all the formations, operating in companies, battalions, and regiments, on they went through the heavy undergrowth, waist deep through the streams, and across barbed-wire defenses. Nothing could break them as they went steadily and fiercely onward. The Second Brigade, finally, led by Colonel Pearson, was pushed through in the same way beneath a galling fire, out of a narrow trail and across the ford. Two regiments of Pearson's men went to the support of the Third Brigade, one to that of the First. Meantime the Third Brigade, connecting with the First on the right and sweeping round through a heavy fire, turned the enemy's right, and shared with the First in the assault. On they went up a steep hill 125 feet above the level, tangled with barbed wires, and crowned with deep trenches and the strong brick fort of San Juan. No artillery to help them. Regular infantry, rifle in hand, were going to take this high and heavily fortified position. Steadily and quickly they went at it, General Hawkins, a noble figure, white-haired, and with all the fire of youth in his gallant heart, leading a charge at the head of his two regiments. To those who watched it seemed to take a long time; but it was twenty minutes past 12 when the Third Brigade followed the First out of the death trap in the woods, and at half past 1 the steady, strong moving mass of infantry had cleared an outlying knoll, crossed the valley, scaled the rough, steep hill, and with Hawkins at their head and the men of the Third Brigade sweeping up on the left, stood triumphant on the crest, where they fell to intrenching themselves, and sent the Thirteenth Infantry off to support the cavalry division, while the Twenty-first Regiment pushed on 800 yards farther and took an advanced position. Altogether a very splendid feat of arms, very perfectly performed.

One other movement was made on July 1 on the extreme left. General Duffield was ordered to move along the railroad by the coast and make a demonstration at Aguadores, in order to keep the Spaniards engaged at that point and prevent their attacking our left. General Shafter especially ordered General Duffield not to sacrifice his men, but to "worry the enemy." When he reached the river at the point of crossing, he found that the bridge had been in part destroyed. The river was also deep and, according to General Duffield's estimate 600 to 700 feet wide. He therefore made no attempt to cross, but kept the enemy under fire until 3 o'clock, engaging them again the next day, and carrying out in this way his orders to the entire satisfaction of General Shafter, who recommended him for gallantry and good conduct at Aguadores. The total loss in their skirmishes, when the Thirty-third Michigan behaved very well, was 2 killed and 15 wounded.

The battle of San Juan, as it is called, consisted really of two detached attacks on the hill of that name and the separate action of El Caney. There were 6,461 officers and men at El Caney and 7,919 engaged at San Juan, apart from the small brigade (833 all told) of light artillery. There were among them 3 regiments of volunteers, but the Second Massachusetts, after suffering severely, had to be withdrawn from the firing line, on account of its black powder, and the Seventy-first New York was only partially engaged.

Deducting these two regiments, there were 12,507 officers and men engaged, including of volunteers only the Rough Riders, who, like the regulars, were armed with modern magazine rifles, and who showed themselves on that day the equal of any regulars in desperate fighting; but they numbered only 583 of the more than 12,000 men brought into action. The battle of San Juan, therefore, was preeminently the battle of the American regulars, of the flower of the American standing Army. With scarcely any artillery support, armed only with rifles, they were set to take heights and a village strongly held by regular soldiers and defended by forts, intrenchments, batteries, and a tangle of barbed-wire fences. This is something which the best military critics would declare well-nigh impossible and not to be attempted. The American Army did it. That is enough to say. They lost heavily, largely through the awkward manner in which they were crowded and delayed at the start. There were 21 officers and 230 men killed, and 93 officers and 1,280 men wounded, the percentage of the officers being remarkably high, except at Aguadores, where none were injured. On the Spanish side it is almost impossible to get any figures of the slightest value, even their official reports being filled with obvious falsehoods and contradictions.

General Wheeler gives the number at El Caney as 460; the official Spanish report puts it at 520, of whom only 80 returned un wounded. Capt. Arthur Lee, of the British army, who has written by far the best account of El Caney, says there were somewhat less than 1,000 Spaniards in the works and that at least half were killed and wounded. As his estimate of the losses agrees with the Spanish report, I have accepted it. The Spanish statement of their numbers at El Caney is so absurd, on their own report of losses, that Captain Lee's dispassionate estimate of the total force must also be accepted.

The case at San Juan is much more difficult. According to Lieut. Muller y Tejeiro, quoting what professes to be official reports, there were only 3,000 men defending Santiago, including the sailors, and only 250 men at San Juan Heights. This was so grotesquely false that it is easy to throw it aside, but it is not easy to reach the truth. Muller gives 530 men at El Caney and 250 at San Juan, and in one place gives the total killed and wounded as 593 and in another as 409, both manifestly absurd losses for 770 men. The Spaniards said at different times that they had as few as 1,400 and as many as 2,500 at Las Guasimas, which hardly coincides with the statement that there were only 3,000 men in the city.

Deducting Escario's force, which came in on July 2, there were 13,000 rifles, Mausers and Remingtons, surrendered in Santiago City when it capitulated, which indicates a total force of that number, unless we assume that each of Lieutenant Muller's 3,000 soldiers carried 4 rifles. As a matter of fact, the Spaniards had ultimately 12,000 to 13,000 men in Santiago; they had over 9,000 along the line of defenses on the east side confronting the Americans; and the works at San Juan were strongly held by at least 4,000 men, as stated by Mr. Ramsden, the British consul, a thoroughly trustworthy witness. Their actual losses it is not easy to detect through the clouds of falsehood in the official reports; but as we know that they were heavier than the American at El Caney, and also at Las Guasimas, we may safely assume that the case was nearly the same at San Juan, although they had all the advantage of cover and position. It is certain that when the city surrendered they had more men in the hospital than the Americans. The Spaniards stood their ground bravely, fired heavily in volleys, and bore their punishment unflinchingly, but no where did they face the American rush and onset when they came close upon them. It was a hard fought battle, and both sides suffered severely, but the steady and irresistible American advance won.

After the victorious charge there was still no rest for the men who had climbed the steep sides of San Juan. Worn and weary as they were, they went to work to make intrenchments, and with scant food—Colonel Roosevelt's men feeding on what the Spaniards had left behind—they all toiled on through the night. At daylight the Spaniards attacked, opening a fire which continued all day. Yet, despite the fire and the drenching rain, the men worked on, and the new intrenchments, now frowning down toward the city, grew and lengthened. At 9 o'clock in the evening another attack by long-range firing was made by the Spaniards, and repulsed. The losses on the American side during this fighting on the 2d were not severe, as they were protected by breastworks, and the Spaniards were utterly unable to take the hill they could not hold from the men who had driven them from it when they had every advantage of position. Nevertheless, the situation was undoubtedly grave.

With 3,000 men only on the extreme ridge at first, we were confronted by 9,000 Spaniards. Our men were exhausted by battle, marching, and digging. They were badly fed. Transportation was slow and supplies scarce, and they were at first unsheltered. Under these conditions some officers thought about and urged withdrawal, while General Wheeler, backed strongly by many of the younger officers, and later by Lawton and Sumner, opposed any such movement. The spirit which carried the heights of San Juan held them; but to General Shafter, away from the front and the firing line, the voices of doubt and alarm came with effective force. During the day he fluctuated from doubt to confidence. He wanted Sampson to try at once and at all hazards to break in, and he proposed to General Wheeler to move against the entrance forts of the harbor, thus giving a tardy adhesion to the wise plan of Sampson and Miles, which he had abandoned.

Early on the morning of July 3 there came a dispatch from him, written under the first depressing influences, to the War Department, saying that he had Santiago well invested, but that our line was thin, the city strongly defended, and not to be taken without heavy loss; that he needed reinforcements, and was considering withdrawal to a position which an examination of the map showed to mean a retreat to the coast. This news—the first received in twenty-four hours—came upon those in authority at Washington with a depressing shock. General Shafter was urged to hold San Juan Heights, and in a confused hurry every effort was made to get together more transports—none having been brought back from Santiago—and to drive forward the departure of troops. It was the one really dark day of the war, and the long, hot hours of that memorable Sunday were heavy with doubt, apprehension, and anxiety.

THE PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. PETTIGREW. Mr. President, I wish to make some comments upon the history of this battle.

It appears from this description that General Shafter refused to adopt the plans suggested by General Miles and Admiral Sampson to attack along the seacoast and have the support of our Navy in taking Santiago. He preferred to have the glory all to himself; and therefore he sent our troops into the interior without artillery, through thick brush, through narrow lanes, crowded together, to attack hills armed by batteries and men sheltered by

intrenchments and covered with barbed wire fences. In other words, he did not send his artillery to clear the way; and the eminent historian says that hardly any commander of men would undertake such an experiment contrary to the lessons of history. Artillery should have been sent; but Shafter did not send it, and, according to this account, sacrificed the lives of many American soldiers because he did not send artillery and because the way was not cleared in advance by artillery.

Finally, when the hills were taken, Shafter wanted to retreat, and would have withdrawn if it had not been for the men at the front, who refused to withdraw. It will appear from this history that the only order Shafter made during the battle was disregarded. I read:

An order from General Shafter at this moment to neglect El Caney and move to the assistance of the troops at San Juan must have seemed like a grim satire, and was disregarded.

And that is the only order he made during the battle. He remained miles in the rear, in perfect safety, and gave one order, which would have been "a grim satire," and must have so seemed to the men in the front, who disregarded it, and who won the battle in spite of the commanding general. For this the commanding general is to be promoted by a special act of Congress over the men who actually did the fighting!

The lack of artillery and the black powder made the assault on El Caney a work to which infantry should not have been forced. Yet they were forced to it, and supported by only four guns; but, splendidly led by Lawton, Chaffee, and Ludlow, they carried the position at heavy cost by sheer courage, discipline, and good fighting, manifesting these great qualities in a high degree, and one worthy of very lasting honor and remembrance.

Lawton and Chaffee and Ludlow had gone to El Caney with a well-defined purpose, but it is difficult, even after the most careful study and repeated reading of the official reports, to detect any plan whatever in the movements of the rest of the Army.

And this is the man we propose to especially honor by a special act of Congress! Of course, if it is done, there ought to be some reason given to overcome this damaging testimony of the most eminent historian in this body.

There the men stayed, dropping under the shots of the Spaniards, able to do nothing, waiting orders. No orders from headquarters came; the situation was intolerable; retreat meant not only defeat, but useless and continual exposure to a slaughtering fire. No other resource remained except to take rifle in hand and, with infantry alone, carry strong intrenchments and block-houses, defended by well-covered regulars supported by artillery. Still no orders, and at last the division, brigade, and regimental commanders acted and ordered for themselves.

And for this the man in command, Shafter, is to be especially selected for special honors by Congress itself! If this history is correct, his friends must certainly have been ignorant of it, or they would not have brought his name in here to have this record placed before the country.

The historian further says:

The American Army did it. That is enough to say. They lost heavily, largely through the awkward manner in which they were crowded and delayed at the start.

The spirit which carried the heights of San Juan held them, but to General Shafter, away from the front and the firing line, the voices of doubt and alarm came with effective force. During the day he fluctuated from doubt to confidence. He wanted Sampson to try at once and at all hazards to break in, and he proposed to General Wheeler to move against the entrance forts of the harbor, thus giving a tardy adhesion to the wise plan of Sampson and Miles which he had abandoned. Early on the morning of July 3 there came a dispatch from him, written under the first depressing influences, to the War Department, saying that he had Santiago well invested, but that our line was thin, the city strongly defended, and not to be taken without heavy loss; that he needed reinforcements, and was considering withdrawal to a position which an examination of the map showed to mean a retreat to the coast.

Shafter wanted to get under the guns of Sampson, where he could be safe and remain out of fire and out of range. He sent his men, without artillery, to take a hill by charging it. They had done all this, and held the hill, and yet Shafter wanted to retire so as to get under the guns of the fleet!

I remember well when the dispatch came, and I remember the feeling of the American people. It is fortunate that there was some one else at Santiago than Shafter. We had Lawton and Ludlow and Kent and Chaffee and Wheeler, who won the victory in spite of Shafter; and now it is proposed to especially promote Shafter for this blundering incapacity and inefficiency almost unparalleled in the history of a battle that was won.

It seems to me, unless these things can be answered and overcome, there is no reason, unless honors have become cheap and we have them to throw away, why we should select a man who so inefficiently sacrificed our troops on that occasion. It seems to me, if Congress has any honors especially to bestow, we had better stop bestowing them upon men who do not fight and give them to the men who do.

We have already promoted Corbin by act of Congress, though he remained in Washington during the whole war; and by act of Congress since the Spanish war commenced we have promoted Ainsworth, who kept the records and performed the duties of a clerk; and now it is proposed to put Shafter on the list, to emphasize the fact that Congress never promotes anyone by special act unless it is sure that he has not done any fighting.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. PETTIGREW. Certainly.

Mr. TILLMAN. Before the Senator takes his seat, I should like to ask him whether the book from which he has read was written by a gentleman on the ground—a man who knows. Is it not unfair to General Shafter to have this statement uncorroborated by official documents?

Mr. SPOONER. I do not think the Senator ought to make that observation.

Mr. PETTIGREW. The eminence of the author of the book is a sufficient answer to the question, and if there is any official record that contradicts its statements, the friends of Shafter had better bring it in. I have no doubt that the eminent historian who wrote this book thoroughly examined the records and took the testimony of innumerable people, and that the statements can be reasonably relied upon as accurate and correct.

Mr. TILLMAN. Has the whole record come out, however?

Mr. PETTIGREW. That I do not know. I should like to have the Senator, if he wishes more accurate information on this subject, address his questions to the author of the book.

Mr. TILLMAN. The Senator seems to know so much about it and is so fully informed that I thought he would give us some information as to the remainder of the disclosures that might be brought out.

Mr. PETTIGREW. Perhaps the Senator can inform me on the subject.

Mr. TILLMAN. I do not feel warranted in doing that in the presence of the historian himself.

Mr. PETTIGREW. Perhaps, then, he had better ask the historian.

Mr. SEWELL. Mr. President, it is unfortunate that the Senator from South Dakota never says anything good of anybody. He merely abuses everybody. His mind runs in that direction. I suppose he can not help it. Shafter was appointed in command of the Army, which consisted of about 18,000 men, selected as one of the best soldiers we had, the man who had settled up the whole of the Southwest. He had conquered the Comanche and all the surrounding Indians. He was the fighting man of the period from the civil war until the Spanish war, or until he had settled the Indian question in the territory which came under his control. I have known Ord to say, when in command of that department, that to Shafter was due the credit that was given him as commanding officer.

My admiration for Shafter is on account of the genius that he displayed in the Santiago campaign. Many of the men with whom I served during the civil war would have sat down at the landing at Guantanamo and other points and waited until the time when in that sickly country the men would have been used up; but he did not do this. He knew the danger of waiting. He knew that he could not even wait to build a road to get guns up. He knew the valor of his men. He even left the horses by the seashore. I consider that he is entitled to great credit.

The idea which he carried out, that he could fight better to-day than to-morrow or two weeks or a month from that time, gave us an early victory over the Spanish army and the Spanish nation, and to him is due the credit for the conception of that idea and for its execution.

The idea of keeping away from battle line! It is not a general's place to be on the battle line. It is to be at some convenient point where he can direct. There was never a question in his mind of retreat. It was advance, advance; go through the sand and everything else to strike the enemy, which he did. General Shafter made one of the greatest successes that we have in our history—the conquering, practically, of a great nation, with the help of the Navy afterwards, in a very short period of time, closing the war within a hundred days, and demonstrating to the Spanish infantry at Santiago that notwithstanding what they had, notwithstanding their defenses and their barbed wires, our men, with their usual gallantry, would carry something to cut the defenses and then rush on the enemy.

Mr. President, General Shafter has never asked for anything. By reason of the grumbles in the Navy about who should have reward, there has been nothing done in connection with the Army on account of the Santiago campaign. He has gone to his work without any promotion. He has faithfully served his country on the Pacific coast, and all the officers who were his lieutenants have had their reward in regular promotions to brigadier-generals; but General Shafter remains there to-day on duty, retired as a brigadier-general, entitled to what I ask for him and what the country owes him, and, I trust, will give to him.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. SEWELL].

Mr. TILLMAN. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MONEY (when his name was called). I am paired with the Senator from Oregon [Mr. McBRIDE]. I do not know how he would vote, and I therefore withhold my vote. If he were here, I should vote "nay."

Mr. PENROSE (when his name was called). I have a general pair with the Senator from Delaware [Mr. KENNEY.] If he were present, I should vote "yea."

Mr. SPOONER (when the name of Mr. QUARLES was called). My colleague is paired, but I do not know with whom. I wish to say that he is detained from the Senate to-day by illness.

Mr. VEST (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. CULBERSON (after having voted in the negative). I have a general pair with the junior Senator from Wisconsin [Mr. QUARLES]. He being absent, I withdraw my vote.

Mr. HEITFELD. I am paired with the senior Senator from New York [Mr. PLATT], and therefore withhold my vote.

Mr. HANNA (after having voted in the affirmative). I am paired with the Senator from Utah [Mr. RAWLINS]. I desire to inquire whether he has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. HANNA. I have a general pair with him, and therefore withdraw my vote.

Mr. ELKINS. I am paired with the Senator from Texas [Mr. CHILTON]. If he were present, I should vote "yea."

The result was announced—yeas 41, nays 11; as follows:

YEAS—41.

Allen,	Foraker,	McCumber,	Shoup,
Allison,	Frye,	McEnery,	Simon,
Bacon,	Gallinger,	McMillan,	Spooner,
Bard,	Hale,	Morgan,	Stewart,
Carter,	Hansbrough,	Nelson,	Taliaferro,
Clark,	Harris,	Perkins,	Thurston,
Daniel,	Hawley,	Pettus,	Warren,
Deboe,	Hoar,	Platt, Conn.	Wetmore.
Dillingham,	Kean,	Proctor,	
Dolliver,	Lodge,	Scott,	
Fairbanks,	McComas,	Sewell,	

NAYS—11.

Bate,	Clay,	Pettigrew,	Towne,
Berry,	Jones, Ark.	Teller,	Turley.
Butler,	Mallory,	Tillman,	

NOT VOTING—34.

Aldrich,	Cullom,	Lindsay,	Quarles,
Baker,	Depew,	McBride,	Rawlins,
Beveridge,	Elkins,	McLaurin,	Sullivan,
Burrows,	Foster,	Martin,	Turner,
Caffery,	Hanna,	Mason,	Vest,
Chandler,	Heitfeld,	Money,	Wellington,
Chilton,	Jones, Nev.	Penrose,	Wolcott.
Cockrell,	Kenney,	Platt, N. Y.	
Culbertson,	Kyle,	Pritchard,	

So the amendment was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate an amendment, which will be stated.

The SECRETARY. An amendment by Mr. PETTIGREW, to strike out all provisions in this bill which place an age limit against the appointment of meritorious volunteers to positions in the staff and line of the Regular Army, and add the following at end of bill:

It is further provided, That one-third of the original vacancies created by this act, in all grades, from colonel down to second lieutenant, in both staff and line, shall be filled by selection from the officers of volunteers who have been commissioned in their respective staff corps or arm of service since April 21, 1898. The remaining two-thirds of original vacancies created by this act to be filled by selection from the officers of the Regular Army.

Mr. PROCTOR. In the absence of the chairman of the Committee on Military Affairs, I move that the amendment be laid on the table.

Mr. DANIEL. There was so much noise in the Chamber that we could not hear what the amendment is. I ask that it may be again stated.

The PRESIDENT pro tempore. The amendment will again be stated.

The Secretary again stated the amendment.

Mr. DANIEL. May I inquire who offered the amendment?

Mr. PETTIGREW. I did.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW]. The Senator from Vermont moves to lay the amendment on the table.

Mr. PETTIGREW. That is an unusual motion, I think—at least, until the author of the amendment has an opportunity to state his reasons for offering it. I hope, therefore, the Senator from Vermont will withdraw his motion to lay on the table, and thus allow me to discuss it before it is voted upon, rather than afterwards.

Mr. PROCTOR. Very well. We will hear from the Senator briefly.

The PRESIDENT pro tempore. The Senator from Vermont withdraws his motion.

Mr. McCOMAS. I ask the Senator from South Dakota to yield to me to offer an amendment.

Mr. PETTIGREW. I yield.

Mr. McCOMAS. I desire to move, on page 21, line 7, to strike out all after the word "That" down to the end of line 10 and to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 21, line 7, after the words "Provided, That," it is proposed to strike out:

All vacancies created or caused by this section shall be filled, as far as possible, by promotion according to seniority of officers of the Inspector-General's Department.

And in lieu thereof insert:

Promotions to vacancies above the grade of major created or caused by this act shall be made, according to the rules of seniority, from officers now holding commissions in the Inspector-General's Department. Vacancies created or caused by this act in the grade of major may be filled by appointment of officers who have held commissions as inspector-general of volunteers since April 21, 1898.

The PRESIDENT pro tempore. The amendment will be printed.

Mr. PETTIGREW. Mr. President, the amendment which I offer provides:

That one-third of the original vacancies created by this act, in all grades, from colonel down to second lieutenant, in both staff and line, shall be filled by selection from officers of volunteers who have been commissioned in their respective staff corps or arm of service since April 21, 1898.

A little over one-third of the Army employed to-day are volunteers. This leaves all the places above colonel to be filled by those who are graduates of Westpoint, or from the Regular Army. It seems to me that it is no more than just and fair and right that one-third of the places from colonel down shall go to the men who have seen actual service in the field. Not only that, Mr. President, but this embraces the volunteers who served in the Spanish war, and not alone those who are now in the service and did not serve in the Spanish war, but have served in the Philippines, but that large number of men who served in Cuba and in the Philippines previous to the passage of the last Army bill. So the number of officers provided for is out of all proportion to the number of men from whom the selections are to be made, for under this provision two-thirds of the officers will come from the regulars, besides all of the positions above colonels of regiments.

Therefore it seems to me that it is no more than just and fair to the volunteer service that this amendment should be adopted. The provision which we have made is inadequate and unfair and unjust. If it is left to the Regular Army, of course the volunteers will receive as scant consideration as it is possible to bestow upon them. If it is left to examination, only those volunteers will get through who can answer the technical questions which will be propounded for the purpose of limiting their number to the smallest possible degree.

I ask to have the amendment which I have offered separated, and I offer first the latter part of it, which I will send to the desk.

The PRESIDENT pro tempore. The Senator from South Dakota modifies his amendment, and it will be stated as modified.

The SECRETARY. It is proposed to insert the following additional proviso:

It is further provided, That one-third of the original vacancies created by this act, in all grades, from colonel down to second lieutenant, in both staff and line, shall be filled by selection from the officers of volunteers who have been commissioned in their respective staff corps or arm of service since April 21, 1898. The remaining two-thirds of original vacancies created by this act to be filled by selection from the officers of the Regular Army.

Mr. PROCTOR. This amendment would compel the President to appoint one-third of the officers in all the positions up to and including the grade of colonel from those who had served perhaps one or at most two years over officers of the Regular Army who have served thirty-five or forty years. I do not think the amendment is worthy of any consideration, and therefore I move to lay it on the table.

Mr. DANIEL. I rise to a point of order. I do not think it is in order to make a speech and then to move to lay the amendment on the table.

The PRESIDENT pro tempore. The point of order is overruled. The question is on agreeing to the motion of the Senator from Vermont, to lay on the table the amendment offered by the Senator from South Dakota.

Mr. PETTIGREW. On that I ask for the yeas and nays.

Mr. SPOONER. Does the Senator from Virginia wish to address the Senate?

Mr. DANIEL. Yes, sir; I wish to speak on this subject.

Mr. PROCTOR. I did not so understand.

Mr. DANIEL. I want to make a few observations on the amendment of the Senator from South Dakota.

Mr. PROCTOR. On the amendment as divided—on the volunteer part of it?

Mr. DANIEL. I desire to make a remark or two on the amendment before the Senate.

Mr. PROCTOR. Very well, then; I will oblige the Senator.

Mr. DANIEL. We can seek an opportunity hereafter, if it is inconvenient now.

Mr. PROCTOR. I withdraw the motion.

The PRESIDENT pro tempore. The Senator from Vermont withdraws his motion.

Mr. DANIEL. Mr. President, I am in favor of the amendment which has just been offered or some amendment of like nature. I do not think the Senate ought to engage in so strenuous an effort to deny to the citizen soldiery of this country, who came to the front to serve it in time of war, an opportunity to hold such offices as they may be fitted by experience and talent to hold, confirmed by the judgment of the President and of the Senate. I am a believer, Mr. President, in the freest kind of free institutions, and I believe that the Constitution of the United States has left this matter exactly where Congress would be wise to leave it also. It does not follow that because an officer has served as a volunteer the President will see fit to appoint him. Neither does it follow as matter of course that should the President make an inadvisable appointment the Senate would confirm it. But I consider that it is the right of every free citizen of this country to fight for his country, and I do not think that anything ought to be done by law to abridge the exercise of that right in such place and in such manner as his character, intelligence, service, and patriotism may befit.

The view which the committee seems to take of the volunteers now is very different from that which Congress took of the volunteers after the civil war. I can appreciate that there is some difference, because the last war was nothing like so severe a one, but it seems to me that the Military Committee has gone too far in fixing it so that no volunteer, however distinguished, however fitted, however appropriate his selection may be, shall receive a commission in the Regular Army higher than that of first lieutenant.

I have before me Public Act No. 181, approved July 20, 1866. It is entitled "An act to increase and fix the military peace establishment of the United States." In that act there is a provision that the military peace establishment shall consist of 5 regiments of artillery, 10 regiments of cavalry, 45 regiments of infantry, and the professors and cadets at Westpoint, and so on. Now, as to the 4 regiments of cavalry to be added to the 6 then existing, to make the 10, it is provided:

The original vacancies in the grades of first and second lieutenants shall be filled by selection from among the officers and soldiers of volunteer cavalry, and two-thirds of the original vacancies in each of the grades above that of first lieutenant shall be filled by selection from among the officers of volunteer cavalry, and one-third from officers of the Regular Army, all of whom shall have served two years in the field during the war and have been distinguished for capacity and good conduct.

In reference to the infantry it was provided:

And all the original vacancies in the grades of first and second lieutenant shall be filled by selection from among the officers and soldiers of volunteers, and one-half the original vacancies in each of the grades above that of first lieutenant shall be filled by selection from among the officers of volunteers, and the remainder from officers of the Regular Army, all of whom shall have served two years during the war, and have been distinguished for capacity and good conduct in the field.

Respecting the Quartermaster's Department, it was provided:

And the vacancies hereby created in the grade of assistant quartermaster shall be filled by selection from among the persons who have rendered meritorious service as assistant quartermasters of volunteers during two years of the war.

So, Mr. President, it will be observed from this act, which was the organic act of the Regular Army in 1866, that Congress took particular pains to open the Regular Army to the entrance of meritorious volunteers who had served for two years. There were a great many more volunteers in the late war than there were regulars. There were over 200,000 volunteers. There were many more than had opportunity to distinguish themselves in battle.

But the present volunteer force of the United States, some 30,000 strong, has every enlisted man of it in the Philippine Islands to-day in the presence of the enemy. They have fought in those islands in over a thousand battles and skirmishes, the names of which are mentioned in the report of the Adjutant-General. There are many officers belonging to the Regular Army, which has 38,000 men in the Philippines, who are here in the United States, and there are some volunteer officers in the United States; but there are no volunteer enlisted men—not a company, not a squad—here in the United States. The whole volunteer service of this country to-day that we are engaged in fencing off from the honors of war are absent 7,000 miles from home in the presence of the enemy, and their representatives are engaged, while they are in the face of the enemy, in legislating to deny to them the fitting honors of war—

Mr. GALLINGER. Mr. President—

Mr. DANIEL. And so to proscribe them in this military bill that although this body may consider and although the President of the United States may consider that they are the fittest men to command companies and battalions, to see to it that not one of these shall get such a commission.

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. DANIEL. I will yield for a question.

Mr. GALLINGER. I am not very familiar with this bill and especially not familiar with military matters. I wanted to ask the Senator from Virginia if I correctly understood him to say that no man now in the volunteer service, whatever his rank, can be appointed under this bill in the Regular Army at a higher rank than first lieutenant.

Mr. DANIEL. I so understand it.

Mr. GALLINGER. Whatever his rank may be, if he is a general—

Mr. DANIEL. He may be a general, colonel, major, captain, or what not, it is proscriptive against the whole volunteer force of the United States, denying to the President and to the Senate the right to give them any commission whatever above that of first lieutenant.

Mr. GALLINGER. I will ask the Senator further, does the amendment proposed by the Senator from South Dakota reach this point and cure this apparent defect?

Mr. DANIEL. To a degree. It prescribes that one-third of the commissions shall be given to the volunteers. I doubt if that is the best way to get at it.

Mr. BATE. Then, as I understand it, if the Senator from Virginia will allow me, the bill provided for second lieutenants only until it was amended the other day to meet the difficulty.

Mr. DANIEL. I will call attention to the fact just here that the public documents on this subject do not indicate, at least with such perusal as I have been able to give them, the origin and authorship of these proscriptive disfranchising measures.

It is said in one of the reports—I can not turn to it at this moment—that care has been taken to provide for the volunteers. What was meant by care in that expression was that the rear end of the Army, the lowest rank, had been opened for the possibility of their entering into it in the rank of second lieutenant. I have the report before me now. It is on page 2. It reads:

Care has been taken to give deserving officers of volunteers who are to be mustered out an opportunity for entering the Regular Army.

That care, Mr. President, consists in this case in authorizing, under certain restrictions and conditions and after giving a great many preferences, their examination for the office of second lieutenant. The Secretary of War, the President of the United States, have not seen fit to recommend to Congress this disfranchisement of our volunteer forces who are out of the country engaged in its defense, and who have no men here to look after their interests and to beset members of Congress with their proposals of plans for organizing the Army of the United States.

Neither has the committee in its report given indication of any other sentiments toward the volunteers save of the great care that they feel for giving deserving officers or volunteers an opportunity of being mustered into the Regular Army of the United States.

Mr. HAWLEY. Mr. President—

Mr. DANIEL. But we find, Mr. President—

Mr. HAWLEY. I beg pardon; I should like to have a little matter of business transacted which would be for the convenience of the Senate, I am sure. The copies of the pending bill are so marred with amendments made and printing that it is vexatious to try to find anything. I ask an order to print it to-night for to-morrow morning, as far as possible, with all the amendments given to date.

Mr. DANIEL. I am very glad that the chairman of the Military Committee has asked that the bill may be printed for use to-morrow after such amendments as have been adopted by the Senate have been ingrafted upon it.

The PRESIDENT pro tempore. Will the Senate consent to the order? Without objection, the order is made. The Senator from Virginia will proceed.

Mr. DANIEL. I will discontinue my remarks, Mr. President, until we get a printed copy of the bill, with just one suggestion about it.

It seems to me that when a large force of volunteers has responded to the call of Congress and entered upon a task which is dangerous and far away from home, every member of the body to whose call they have so patriotically responded should feel in their absence that he should scrutinize the bill and see that it does them no injustice.

I do not desire, Mr. President, to press consideration for the volunteer soldier beyond a due regard to the regular soldier, for both are entitled to high consideration, and in commending the one I would not disparage the other. But it is true, Mr. President, that if ever this country gets into war of any magnitude it is the volunteer we have got to rely upon to defend it. The very moment that the war, which is now over with Spain, broke out, the President and the Congress and the people at once turned to the volunteer.

It was said correctly a few days ago by the Senator from Connecticut [Mr. HAWLEY] that we are not out of sight of war. He

might have added that we are not only in sight of war, but we are in war, and he might also have reflected that whether that be a war which is recognized according to international law as between nations or a de facto nation on one side and a recognized nation on the other, it is a war which has to-day in the field in the Philippine Islands 68,000 men, and nearly one-half of them are volunteers. I will present the statistics to-morrow upon this subject, and they will show that the volunteers have fought in the Philippine Islands more battles than the regulars have and have suffered greater casualties in blood. While I would not exalt them beyond their due and equitable share of military honor, surely the men who have gone upon the field together and spilt their blood in the same channel ought not either of them to try to exclude the other from the just and proper recognition by their countrymen of their merits.

I hope to-morrow, Mr. President, before this bill shall go to the other House for concurrence, that the Senate will turn its attention to the just and proper recognition of the volunteer. If you make the bill restrictive on one side by requiring that so many positions shall be given to the regulars, it will then be necessary for those who wish to see justice done to the volunteer to seek for some corresponding restriction upon the other side, such as that proposed by the Senator from South Dakota; but it would be better, in my judgment, to trust the President of the United States and the Senate of the United States, which are the constitutional officials of a free country, to judge of the fitness of men to hold office and to select them for that office without too many restrictions put upon the places to be filled by law.

I believe you injure the service of the country and injure the growth of free ideas whenever you put incumbrances and restrictions around official position. The men who have the right to select these officers are not going to select improper persons simply because their choice is unrestricted by law. They will then more keenly feel that the responsibility of selecting the right man is upon them; that responsibility will be daily impressed upon their minds by the exercise of it and by the pursuit of the inquiries necessary to proper selections. Wherever a law attempts to define and describe a certain particular few, it relieves the Executive and the Senate of their responsibility for the selection, and the whole official coterie of the country is consolidated together under partial and discriminating laws. Instead of such a condition we should leave a fair field and open competition to the great body of the people, which is the very genius of true republicanism and true democracy.

PREFERENCE TO VETERANS.

The PRESIDENT pro tempore. The junior Senator from Maine asks for the present consideration of an order which will be read to the Senate.

The order was read and agreed to, as follows:

Ordered, That the Committee on Military Affairs be discharged from the further consideration of all petitions praying the passage of H. R. 5779 (the veteran preference measure) and that they be referred to the Committee on Civil Service and Retrenchment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. H. L. OVERSTREET, one of its clerks, announced to the Senate the intelligence of the death of Hon. FRANK G. CLARKE, late a Representative from the State of New Hampshire, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. SULLOWAY, Mr. HILL, Mr. KNOX, Mr. CAPRON, Mr. HOWELL, Mr. LANE, Mr. ALLEN of Maine, Mr. LANDIS, Mr. LITTLEFIELD, Mr. WEAVER, Mr. FITZGERALD of Massachusetts, Mr. GRIGGS, Mr. GAINES, Mr. ROBINSON of Indiana, Mr. NAPHEN, and Mr. KING members of the committee on the part of the House to attend the funeral of the late Hon. FRANK G. CLARKE.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (H. R. 1734) granting a pension to Mary A. Whitmore;
A bill (H. R. 2752) granting an increase of pension to Edmund P. Tierney;
A bill (H. R. 5117) granting a pension to Roland Burnett;
A bill (H. R. 5655) granting a pension to Lurinda Laughlin;
A bill (H. R. 9108) granting a pension to Maria H. Hixson;
A bill (H. R. 10062) granting an increase of pension to Harriet Crotsenburg;
A bill (H. R. 10785) granting a pension to Thomas White;
A bill (H. R. 13394) providing for the payment of electoral messengers; and
A joint resolution (S. R. 144) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

DEATH OF REPRESENTATIVE CLARKE, OF NEW HAMPSHIRE.

Mr. GALLINGER. Mr. President, I ask that the resolutions just received from the House be laid before the Senate.

The President pro tempore laid before the Senate the following resolutions from the House of Representatives; which were read:

IN THE HOUSE OF REPRESENTATIVES, January 10, 1901.

Resolved, That the House has heard with deep regret and profound sorrow of the death of the Hon. FRANK G. CLARKE, late a Representative from the State of New Hampshire.

Resolved, That a committee of 16 members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral at Peterboro, N. H., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate, and transmit a copy thereof to the family of the deceased.

Mr. GALLINGER. Mr. President, I submit the resolutions I send to the desk, for which I ask present consideration.

The PRESIDENT pro tempore. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of the Hon. FRANK G. CLARKE, late a Representative from the State of New Hampshire.

Resolved, That a committee of six Senators be appointed by the presiding officer to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. GALLINGER. I ask for the adoption of the resolutions.

The resolutions were unanimously agreed to; and the President pro tempore appointed as the committee on the part of the Senate, under the second resolution, Mr. CHANDLER, Mr. GALLINGER, Mr. DEBOE, Mr. SCOTT, Mr. McLAURIN, and Mr. HEITFELD.

Mr. GALLINGER. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Friday, January 11, 1901, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 10, 1901.

The House met at 12 o'clock m. Prayer was offered by the Rev. JOHN COLEMAN ADAMS, D. D., of New York City, as follows:

Let us pray, Almighty God, our Heavenly Father, before the beginning of this day's work, to ask Thy blessing and Thy gracious favor upon these Thy servants assembled here. Guide and direct them, we beseech Thee, in all that they shall do. Help them to be ever mindful of their responsibility unto Thee, whose throne is the highest of all tribunals, and their obligation unto that law of the Lord which is the chief and supreme code. Lead them, we pray Thee, in all they shall do here that nothing may be done to hinder, but all things to help, that blessed day when the kingdoms of this earth shall be the kingdoms of the Lord.

We remember tenderly, O Thou Almighty God, that the shadow of death has swept this Chamber, and that one has been called from his labors here to enter upon the tasks of the invisible God. Cherish and comfort, we beseech Thee, the family and friends of him who hath gone, and give us all a sense of how brief our time is, and help us to work while it is day, for the night cometh when no man can work. And these things we ask and beseech for Thy name's sake, in the spirit of the blessed Master, Jesus Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

CODIFICATION OF POSTAL LAWS.

Mr. LOUD. Mr. Speaker, I desire to ask unanimous consent that after the conclusion of the river and harbor bill House bill 13423 be made the special order. I will say to the House that it is a bill to revise and codify the postal laws. It contains no change of law, but simply incorporates into statute the changes that have taken place since 1873 and repeals such statutes as have become obsolete.

Mr. RICHARDSON of Tennessee. Is it recommended by the committee?

Mr. LOUD. Yes.

The SPEAKER. The gentleman from California asks unanimous consent that House bill 13423, a bill to revise the postal laws of the United States, may be made the special order after the disposition of the river and harbor bill.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman from California if this is the unanimous recommendation of the committee?

Mr. LOUD. I will state, Mr. Speaker, that it is the unanimous recommendation of the committee. The criminal laws are such as were revised by the Commission to Revise and Codify the Laws, of which our late member, Judge Culberson, was a member. This bill has been carefully gone over by Judge BURKE, of Texas, the Assistant Attorney-General, and Representative McPHERSON, of Iowa.

Mr. McRAE. This is a codification bill, and not to authorize the codification?

Mr. LOUD. It is a codification.

Mr. McRAE. It calls for no change of postal rates in any class of matter?

Mr. LOUD. None whatever.

Mr. GIBSON. Mr. Speaker, to-morrow being Friday, is it pension day under the rule?

Mr. LOUD. I will say, Mr. Speaker, that I will incorporate into my request that it shall not interfere with pension day.

Mr. GIBSON. Then I have no objection.

The SPEAKER. The Chair hears no objection, and it is so ordered.

EULOGIES ON THE LATE SENATOR CUSHMAN K. DAVIS.

Mr. EDDY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

Resolved, That Saturday, February 2, 1901, at 3 o'clock p. m., be assigned for the consideration of resolutions of respect to the memory of the late CUSHMAN K. DAVIS, a distinguished member of the United States Senate from the State of Minnesota.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

EULOGIES ON THE LATE REPRESENTATIVE RICHARD A. WISE.

Mr. JONES of Virginia. Mr. Speaker, some time since I gave notice that I would ask the House to fix a day when those who desired to do so might present eulogies on my late colleague, RICHARD A. WISE, of Virginia. I now ask unanimous consent that Saturday, February 9, at 4 o'clock, shall be set aside for that purpose.

The SPEAKER. The gentleman from Virginia asks unanimous consent that Saturday, February 9, at 4 o'clock p. m., be set apart for eulogies upon the life and character of the late Representative RICHARD A. WISE. Is there objection? [After a pause.] The Chair hears none, and that order is made.

EULOGIES ON THE LATE SENATOR JOHN H. GEAR.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that Saturday, January 26, at 4 o'clock in the afternoon, be set aside to pay tributes of respect to the late Senator JOHN H. GEAR, from the State of Iowa.

The SPEAKER. The gentleman from Iowa asks unanimous consent that Saturday, January 26, at 4 o'clock p. m., be set aside for tributes of respect to the late Senator GEAR, of Iowa. Is there objection? [After a pause.] The Chair hears none, and that order is made.

EULOGIES ON THE LATE REPRESENTATIVE JOHN H. HOFFECKER.

Mr. BINGHAM. Mr. Speaker, I move that February the 16th, at 4 o'clock p. m., be set aside for eulogies and tributes of respect to the late JOHN H. HOFFECKER, a member of this House from the State of Delaware.

The SPEAKER. The gentleman from Pennsylvania moves that February 16, at 4 o'clock, p. m., be set apart for eulogies on the late JOHN H. HOFFECKER, from the State of Delaware. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

RIVER AND HARBOR BILL.

Mr. BURTON. Before making the motion that the House go into the Committee of the Whole on the river and harbor bill, I desire to ascertain whether we can agree upon any limitation of general debate. I ask unanimous consent that general debate terminate at 3 o'clock to-day.

Mr. CUSHMAN. I object.

Mr. BURTON. I move that the House now resolve itself into Committee of the Whole for the further consideration of House bill 13189—the river and harbor bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HOPKINS in the chair) and resumed the consideration of the bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri [Mr. SHACKLEFORD] for five minutes.

Mr. SHACKLEFORD. Mr. Chairman, I ask the Clerk to read for information an amendment which at the proper time I desire to offer to this bill.

The Clerk read as follows:

Amend by striking out in line 18, page 75, the word "three" and inserting in lieu thereof the word "six."

[Mr. SHACKLEFORD addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Ohio is recognized for twenty-five minutes.

Mr. GROSVENOR. Mr. Chairman, I do not crave the pleasure of disturbing the harmony that seemed to exist yesterday in the